

## 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 “Administrator of the Environmental Regulation Administration of the D.C. Department of Consumer and Regulatory Affairs”;
- (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* at 43 DCR 3305 (June 21, 1996).

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. Official Code § 8-111.01(2001) 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. Official Code § 8-111.01 (2001) 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 shall 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 eighteen square feet (18 ft.<sup>2</sup>) of resilient floor covering material, notify the Mayor in writing at least ten (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 (b)(2) of this section;
- (c) The requirements of § 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 following fee(s) by certified check made payable to the D.C. Treasurer:

- (a) License Fee Schedule:

<u>Type of License</u>	<u>Fee</u>
Asbestos Worker	\$60/2 years
Business Entity	\$600/2 years

- (b) Permit Fee Schedule:

<u>Amount of RACM Removed</u>	<u>Fee</u>
261 - 2,600 linear feet or 161 - 1,600 square feet	\$400
Greater than 2,600 linear feet or Greater than 1,600 square feet	\$700

- (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; and
- (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 do the following:

- (a) In accordance with 29 CFR § 1926.1101, 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 § 1926.1101;
- (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 § 1101; 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 do the following:

- (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 § 1926.1101;
- (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) mil (0.006 inch) 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) mil (0.006 inch) thickness and seal the bags;
- (g) Label the bags as asbestos waste in accordance with the provisions of 29 CFR § 1926.1101 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 square feet (2,500 ft.<sup>2</sup>) 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 codified at D.C. Official Code § 1-204.04(a) (2001); and § 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) codified at D.C. Official Code § 8-101.06 (2001); § 15 of the Lead-Based Paint Abatement Control Act of 1996, D.C. Law 11-221 (D.C. Act 11-438) codified at D.C. Official Code § 8-115.14 (2001); Mayor's Order 93-12 dated February 16, 1993; and Mayor's Order 97-118 dated June 25, 1997.

**SOURCE:** Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at DCR 565, 644 (February 1, 1985) as amended by Final Rulemaking published at 44 DCR 1979 (April 4, 1997); and Final Rulemaking published 45 DCR 7037, 7046 (October 2, 1998).

## 801 SULFUR CONTENT OF FUEL OILS

801.1 The purchase, sale, offer for sale, storage, transport, or the use of, fuel oil which 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.

**SOURCE:** Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at DCR 565, 644 (February 1, 1985).

**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 (D.C. Act 5-230) published at 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 (D.C. Act 5-230) published at 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 (D.C. Act 523) published at 32 DCR 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 fifty (50) tons per year or more of oxides of nitrogen, including the following major stationary sources:
  - (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 having an energy input capacity of one hundred million (100,000,000) BTU per hour or more;
  - (3) Asphalt concrete plants having the potential to emit fifty (50) tons per year or more of NO<sub>x</sub>; 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 fifty (50) tons per year or more of NO<sub>x</sub>;
- (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 fifty (50) 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, fifty (50) tons per year or more of NO<sub>x</sub> in any year; provided, that the person obtains a permit from the Mayor limiting the potential to emit to less than fifty (50) 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 NO<sub>x</sub> control options:
    - (A) Low-NO<sub>x</sub> 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 Mayor 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.

- (a) After May 31, 1995, no person owning, leasing, operating or controlling any stationary combustion turbine which has an energy input capacity of one hundred million (100,000,000) BTU per hour or greater shall emit NO<sub>x</sub> in excess of the applicable allowable NO<sub>x</sub> emission rate set forth in this subsection, except as provided for in § 805.4(b):
- (1) For simple cycle stationary combustion turbines: Seventy five (75) ppmvd, corrected to fifteen percent (15%) O<sub>2</sub> for oil-fired turbines; and
  - (2) In reducing the NO<sub>x</sub> emission rate to that specified in § 805.4(a), the CO concentration in the exhaust gas shall not exceed fifty (50) ppmvd at fifteen percent (15%) O<sub>2</sub> at any operating condition, for a one (1) hour average;
- (b) A stationary combustion turbine with an energy input capacity of one hundred million (100,000,000) BTU per hour or greater which is operated for less than

five hundred (500) hours per year is exempt from the emission limitations specified in § 805.4(a). The owner or operator of a stationary combustion turbine shall do the following:

- (1) Maintain, in a permanently bound log book, or other format acceptable to the Mayor, a list of the dates on which the stationary combustion turbine was operated and the number of hours it was operated on that day; and
  - (2) Before February 1st of each year after 1994, calculate the number of hours the stationary combustion turbine operated over the previous calendar year. If the number of hours exceeds five hundred (500), then the stationary combustion turbine is no longer exempted from the provisions of §§ 805.4(a) and 805.4(b);
- (c) Any person who owns, leases, operates or controls a stationary combustion turbine subject to § 805.4 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) After May 31, 1995, 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 emission monitoring system:
- (1) After May 31, 1995, the emission 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;
  - (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 NO<sub>x</sub> emission rate does not exceed

the applicable maximum allowable NO<sub>x</sub> emission rate specified in § 805.4.

- 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 pounds per million (0.30 ppm) 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 pounds per million (0.43 ppm) BTU, based on a calendar day average, for tangential or face-fired fossil-fuel-fired steam-generating units; and
      - (B) Forty-three hundredths pounds per million (0.43 ppm) 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 pounds per million (0.25 ppm) 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 pounds per million (0.20 ppm) 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 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.
  - (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 NO<sub>x</sub> emission rate does not exceed the applicable maximum allowable NO<sub>x</sub> 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 NO<sub>x</sub> or greater shall emit NO<sub>x</sub> at a rate greater than one hundred fifty (150) ppmvd at seven percent (7%) O<sub>2</sub> and carbon monoxide to a level of five hundred (500) ppmvd at seven percent (7%) O<sub>2</sub>;

- (b) 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 for under § 805.3. The plan shall be submitted by July 1, 1994;
- (c) After May 31, 1995, 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 emission monitoring system shall:
    - (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 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; and
  - (2) Testing shall meet the following requirements:
    - (A) Be conducted using methods approved by the Mayor and acceptable to EPA;
    - (B) Be conducted prior to May 1st of each year after 1995; and
    - (C) Demonstrate that the NO<sub>x</sub> emission rate does not exceed the applicable maximum allowable NO<sub>x</sub> 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, having the potential to emit fifty (50) tons per year or more of NO<sub>x</sub> 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 NO<sub>x</sub> 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 reasonably available control technology as demonstrated in an emission control plan under § 805.3(e);

- (b) 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;
- (c) Any person required to comply with this subsection shall maintain continuous compliance at all times. Compliance shall be demonstrated by testing or by installing a continuous emissions monitoring system.
  - (1) The emission monitoring system shall:
    - (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 EPA; and
    - (D) Demonstrate that the NO<sub>x</sub> emission rate does not exceed the RACT emission limitations contained in the emissions control plan that EPA has approved as a SIP revision.
  - (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 NO<sub>x</sub> emission rate does not exceed the RACT emission limitations contained in the emissions control plan that EPA has approved as a SIP revision.
- (d) 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
- (e) 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 in accordance 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 of 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. Comment [BC1]:
- (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, 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 which the Mayor may require.

**SOURCE:** Final Rulemaking published at 38 DCR 8105, 8156 (November 19, 1993); as amended by Final Rulemaking published at 49 DCR 8638, 8642-44 (October 27, 2000); and by Final Rulemaking

published at 47 DCR 9686, 9692-9694 (December 8, 2000).

## 806 CONTROL OF LEAD

806.1 The requirements of 40 CFR § 745.223 (Definitions), 40 CFR § 745.225 (Accreditation of training programs: target housing and child-occupied facilities), 40 CFR § 745.226 (certification of individuals and firms engaged in lead-based paint activities: target housing and child-occupied facilities), and 40 CFR § 745.227 (work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities) are adopted and incorporated by reference with the terms used and defined except that:

- (a) The term “Administrator” as used in the 40 CFR §§ 745.223, 745.225, 745.226 and 745.227 shall mean the Director of the District of Columbia Department of Consumer and Regulatory Affairs (“Director”);
- (b) Lead-based paint activities subject to this section shall not be started prior to receipt of written approval from the Director;
- (c) The phrase “EPA” as used in 40 CFR §§ 745.223, 745.225, 745.226 and 745.227 shall mean the District of Columbia Department of Consumer and Regulatory Affairs (“DCRA”);
- (d) The terms “abatement,” “lead-based paint,” “lead-based paint activity,” “lead-based paint hazard” and “lead contaminated soil” shall have the same meaning as used in D.C. Official Code § 8-115.01 (2001); and
- (e) To receive certification as a risk assessor, the following additional requirements shall apply:
  - (1) The person certified as a risk assessor shall not maintain a financial interest in a lead abatement business entity;
  - (2) The person certified as a risk assessor shall not certify his or her own residence; and
  - (3) If performing clearance tests, the person certified as a risk assessor must submit to the Director prior to testing proof of current liability insurance, including professional, environmental and general liability, in an amount sufficient to cover the lead-based paint activity.

806.2 For the convenience of persons subject to the requirements of § 806.1, Appendix 8-3 of this Subtitle contains pertinent sections of 40 CFR Part 745, 61 Fed. Reg. 45778 (1996).

806.3 To obtain a lead abatement permit, a business entity or individual shall do the following:

- (a) Submit a permit application to the Director at least ten (10) business days prior to commencement of proposed activity;
- (b) Submit proof of current liability insurance, including professional, environmental and general liability, in an amount sufficient to cover the lead-based paint activity; and
- (c) Certify and describe intended compliance with the requirements for hazardous waste prescribed by Title 20 DCMR, Chapters 40-54.

806.4 To obtain certification through reciprocity, an individual shall do the following:

- (a) Submit proof of current certification provided by a training program that has been formally accredited by EPA or by an EPA-approved state program that is at least as stringent as the requirements of this section;
- (b) Pass the examination required by the Director;
- (c) Meet or exceed any additional requirements set by the Director; and
- (d) Pay the reciprocity certification fee.

806.5 To obtain accreditation through reciprocity, a training provider shall do the following:

- (a) Submit proof of current accreditation by EPA or by an EPA-approved state program that is at least as stringent as the requirements of this section;
- (b) Pass a training course audit administered by the Director; and
- (c) Pay the accreditation reciprocity fee.

806.6 The fee schedule shall be as follows:

<b>Document/Activity</b>	<b>Fee Amount</b>	<b>Initial / Renewal</b>
Business Entity Certification	\$300/year	Initial and Renewal
Inspector Certification	\$300/2 years	Initial and Renewal
Risk Assessor Certification	\$300/2 years	Initial and Renewal
Supervisor Certification	\$300/2 years	Initial and Renewal
Project Designer Certification	\$300/2 years	Initial and Renewal
Abatement Worker	\$60/2 years	Initial and Renewal

## Certification

Reciprocity Certification	\$60/2 years	Initial and Renewal
Inspector Course	\$1,200/year	Initial Course
Accreditation	\$400/year	Refresher Course
Risk Assessor Course	\$800/year	Initial Course
Accreditation	\$400/year	Refresher Course
Supervisor Course	\$1,600/year	Initial Course
Accreditation	\$400/year	Refresher Course
Project Designer Course	\$400/year	Initial Course
Accreditation	\$200/year	Refresher Course
Abatement Worker Course	\$800/year	Initial Course
Accreditation	\$400/year	Refresher Course
Reciprocity Accreditation	\$800/year	Initial Course
	\$400/year	Refresher Course
Abatement Permit	\$40 + 3% of abatement cost	
Returned Check	\$25	

**SOURCE:** Final Rulemaking published at 45 DCR 20, 20-23 (January 2, 1998).

## 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.

**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 (Hm) 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.

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

899.2 When used in this chapter, the following abbreviations shall have the meaning provided:

**RACM** - Regulated Asbestos-Containing Material.

**SOURCE:** Final Rulemaking published at 44 DCR 1979, 1984 (April 4, 1997).

## 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:

$$\frac{x(0.20) + y(0.30) + z(0.70)}{x + y + z}$$

- 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, D.C. Law 5-165 (5-230) published at 32 DCR 565, 649 (February 1, 1985).