August 13, 2013

Howard Shearer, CFO

The Berg Corporation

2519 Wilkens Avenue

Baltimore, MD 21223

**Re: Permit (#6756) to Construct and Operate a Portable Crushing Plant at 635 Massachusetts Avenue NW, Washington, DC**

Dear Mr. Shearer:

Pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations (20 DCMR), Section 200, permission for The Berg Corporation, (“the permittee”) to construct and operate a Portable Crusher Plant at Massachusetts Avenue NW, Washington, DC (“the site”), per the submitted plans, performance data, and specifications, is approved by the District Department of the Environment (“the Department”) subject to the following conditions:

I. General Requirements:

a. The approved crushing equipment shall be operated in accordance with all applicable air pollution control requirements of 20 DCMR.

b. This permit expires on December 15, 2013 (20 DCMR 200.4). If continued operation after this date is desired, the owner or operator shall submit an application for renewal.

c. Construction or operation of equipment under the authority of this permit shall be considered acceptance of its terms and conditions.

d. The Permittee shall allow authorized officials of the District, upon presentation of identification, to:

1. Enter upon the Permittee’s premises where a source or emission unit is located, an emissions related activity is conducted, or where records required by this permit are kept;

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;

 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor, at reasonable times, any substance or parameter for the purpose of assuring compliance with this permit or any applicable requirement.

e. This permit shall be kept on the premises and produced upon request.

f. Failure to comply with the provisions of this permit may be grounds for suspension or revocation. [20 DCMR 202.2]

II. Emission Limitations:

1. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the “Operational Limitations” of this permit.
2. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]

c. Emissions from the engine powering the crusher shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer’s specifications.

d. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]

e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1

III. Operational Limitations:

* 1. The crusher shall be operated for a maximum of one (1) shift [eight (8) hours] per day for sixty days for the duration of this permit.
	2. The permittee shall take reasonable precautions to minimize the emission of any fugitive dust into the outdoor atmosphere. These reasonable precautions shall include, but not be limited to the following [20 DCMR 605.1]:

1. In the case of unpaved roads, unpaved roadways, and unpaved parking lots:

i. Use of clean 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 (use of binders or other chemicals may only be used with prior approval of the Department); and

ii. Prompt clean-up of any dirt, earth, or other material from the vicinity of the road, roadway, or lot which has been transported from the 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 of the road, roadway, lot, or paved shoulder in a reasonably clean condition through reasonably frequent use of water, sweepers, brooms, or other means through reasonably frequent removal of accumulated dirt from curbside gutters, through reasonably prompt repair of pavement, or through any other means;

 3. In the case of vehicles transporting dusty material or material which is likely to become dusty:

i. Fully covering the material in question, with a tarpaulin or other material; and

ii. 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 spillage 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: Water washing of all of the dirty parts of the vehicle to thoroughly remove the dirt before or immediately after the vehicle leaves the dusty, dirty, or muddy surface;

 5. In the case of demolition of buildings 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 or removing the material and keeping it wet or otherwise in a dust-free condition until eventual disposal;

 7. In the case of stockpiles of dusty material: Thorough wetting of the material before loading onto the stockpile and keeping the stockpile wetted, covered, or otherwise in a non-dusty condition.

* 1. In order to comply with Condition III(b), the permittee shall:

1. Provide clean water (free from salt, oil, etc.) for use at the site;

2. Provide water spraying equipment that can access the entire work area;

3. Apply water sprays without creating a nuisance or ponding and preventing movement of spray beyond site boundary.

4. Restrict operation at the site to processing only concrete and related demolition materials from the demolished building.

* 1. The importation of off-site materials for processing is prohibited, unless such material is needed to supplement the onsite materials for use in the restoration of the site, and provided the materials meet requirements per the Soil Erosion & Sedimentation Act. [20 DCMR 201]
	2. The crusher shall be fired only on diesel fuel with a maximum sulfur content of 500 ppm (0.05% by weight) and either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent. [40 CFR 60.4207(a)]
	3. The crusher shall be operated and maintained in accordance with the recommendations of the equipment manufacturers.
	4. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the crusher in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [20 DCMR 606.3]

IV. Monitoring and Testing Requirements:

a. The permittee shall monitor the operating hours of the crusher either with the use of a non-resettable hour meter installed on the unit, or by recording the start and stop time of any operation of the unit and keeping a tally of the total number of operating hours since the issuance of this permit.

b. The permittee shall, during all work operations at the site, monitor to ensure that the operational requirements of Conditions III(b) through III(g) of this permit are met.

1. If visible emissions of fugitive dust or smoke are observed in excess of the limits specified in Conditions II(b) or II(d), prompt action shall be taken to correct the problem. Operations shall not continue if such exceedances are observable, until such time as the problem has been addressed to the satisfaction of the Department.

V. Record Keeping Requirements:

a. The permittee shall keep a record of the hours of operation of the crusher at the site. This shall be kept, either by recording the initial starting hours shown on the non-resettable hour meter on the unit, or by keeping a log, updated daily, of each start and stop time of the unit with a sum of the total hours of operation that day.

1. The permittee shall keep a record of the quantity and type of any materials imported from offsite, along with an explanation of why such material was imported, so as to show compliance with Condition III(d).
2. The permittee shall keep a record of all substantial exceedances of the standards/limits set forth in this permit and the actions taken to correct the identified problems.
3. The permittee shall maintain a record of all maintenance performed on the unit to document compliance with Condition III(f).
4. The permittee shall maintain a copy of the crusher’s manufacturer’s maintenance and operating recommendations and make such available to Department inspectors.
5. For each delivery of diesel fuel, the permittee shall maintain records of the date, fuel type, and amount of the delivery, as well as sufficient documentation to show that the fuel met the standards set forth in Condition III(e).

VI. Reporting Requirements:

a. The permittee shall submit a letter to the following address upon completion of work at the site indicating that work has been completed and that the permit is no longer necessary.

# District Department of the Environment

Air Quality Division

Attn: Chief, Permitting Branch

1200 First Street, NE

5th Floor

Washington, DC 20002

b. As part of the letter submitted pursuant to Condition VI(a), the permittee shall certify that the operations performed under the authority of this permit complied with the conditions of this permit. If substantial deviations occurred, these shall be listed in the letter as exceptions to the certification of compliance.

If you have any questions, please call me at (202) 535-1747 or Abraham T. Hagos at (202) 535-1354.

Sincerely,

Stephen S. Ours, P.E.

Chief, Permitting Branch

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