

JOSEPH SMITH & SONS, INC.
Draft PERMIT TO CONSTRUCT CONDITIONS
PERMIT NO. 033-0956-6-1573, 6-1574, 6-1575, 6-1576 & 6-1578

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PART A - GENERAL PROVISIONS

- (1) The following applications for the permitting of installations comprising of screening operations; an aluminum process; a 6050 hammermill process; a water media separation process; and a ball mill process (the installations) are incorporated by reference in this permit:
 - (a) Applications for Processing or Manufacturing Equipment (Form -5) and Emission Point Data (Form 5EP) for the Screening Operations process received on May 1, 2018.
 - (b) Applications for Processing or Manufacturing Equipment (Form -5) and Emission Point Data (Form 5EP) for the Aluminum Separation process received on May 1, 2018.
 - (c) Applications for Processing or Manufacturing Equipment (Form -5) and Emission Point Data (Form 5EP) for the 6050 Hammermill process received on May 1, 2018.
 - (d) Applications for Processing or Manufacturing Equipment (Form -5) and Emission Point Data (Form 5EP) for the Water Media Separation process received on May 1, 2018.
 - (e) Applications for Processing or Manufacturing Equipment (Form -5) and Emission Point Data (Form 5EP) for the Ball Mill Separation process received on May 1, 2018.
 - (f) Supplementary information on modeling received on February 4, 2019

If there are any discrepancies between the permit and the applications, the conditions on the permit will take precedence. In the applications, estimates of dimensions, volumes, emission rates, operating rates, feed rates and hours of operation are not deemed to constitute enforceable numeric limits except to the extent that they are necessary to make a determination of compliance with applicable regulations.

- (2) Upon presentation of credentials, representatives of the Maryland Department of the

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Environment (“MDE” or the “Department”) and the Prince George’s County Health Department shall at any reasonable time be granted, without delay and without prior notification, access to the Permittee’s property and permitted to:

- (a) Inspect any construction authorized by this permit;
 - (b) Sample, as necessary to determine compliance with requirements of this permit, any materials stored or processed on-site, any waste materials, and any discharge into the environment;
 - (c) Inspect any monitoring equipment required by this permit;
 - (d) Review and copy any records, including all documents required to be maintained by this permit, relevant to a determination of compliance with requirements of this permit; and
 - (e) Obtain any photographic documentation or evidence necessary to determine compliance with the requirements of this permit.
- (3) Prior to any increase in the quantities and/or change in the types of materials stated in the application or limited by the permit, notification shall be provided to the Department. If the Department determines that the change constitutes a modification, the Permittee shall obtain a permit to construct prior to the modification.
- (4) Nothing in this permit authorizes the violation of any rule or regulation or the creation of a nuisance or air pollution.
- (5) If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this permit.

PART B - APPLICABLE REGULATIONS

- (1) This source is subject to all applicable federal and local air pollution control requirements.
- (2) This source is subject to all applicable federally enforceable State air pollution control requirements including, but not limited to, the following:
 - (a) **COMAR 26.11.01.04A(1) - Requirements for Testing**
“The Department may require any person to conduct or have conducted testing to determine compliance with this subtitle. The Department, at its option, may witness or conduct these tests. This testing will be done at a reasonable time, and

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all information gathered during a testing operation will be provided to both parties.”

- (b) **COMAR 26.11.01.07C - Report of Excess Emissions.**
- (i) “In the case of any occurrence of excess emissions, expected to last or actually lasting for 1 hour or more, from any installation required by COMAR 26.11.02.13 to obtain a State permit to operate, the owner or operator shall report the onset and shall report the termination of the occurrence to the Department by telephone.
 - (ii) Telephone reports of excess emissions shall include the following information:
 - (a) The identity of the installation and the person reporting;
 - (b) The nature or characteristics of the emissions (for example, hydrocarbons, fluorides);
 - (c) The time of occurrence of the onset of the excess emissions and the actual or expected duration of the occurrence; and
 - (d) The actual or probable cause of the excess emissions.”
- (c) **COMAR 26.11.02.04B - Duration of Permits - Permits to Construct and Approvals.**
- “A permit to construct or an approval expires if, as determined by the Department:
- (1) Substantial construction or modification is not commenced within 18 months after the date of issuance of the permit or approval, unless the Department specifies a longer period in the permit or approval;
 - (2) Construction or modification is substantially discontinued for a period of 18 months after the construction or modification has commenced; or
 - (3) The source for which the permit or approval was issued is not completed within a reasonable period after the date of issuance of the permit or approval.”
- (d) **COMAR 26.11.02.09A - Sources Subject to Permit to Construct and Approval**
- “A person may not construct or modify or cause to be constructed or modified any of the following sources without first obtaining, and having in current effect, the specified permits to construct and approvals: (6) All sources, including installations and air pollution control equipment, except as listed in Regulation .10 of this chapter--permit to construct required.”

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- (e) **COMAR 26.11.06.02C(2)** - “In Areas III and IV a person may not cause or permit the discharge of emissions from any installation or building, other than water in an uncombined form, which is visible to human observers.”

General Exceptions. COMAR 26.11.06.02(A)(2)

“The visible emissions standards in §C of this regulation do not apply to emissions during start-up and process modifications or adjustments, or occasional cleaning of control equipment, if:

- (1) The visible emissions are not greater than 40 percent opacity; and
- (2) The visible emissions do not occur for more than 6 consecutive minutes in any 60-minute period.”

- (f) **COMAR 26.11.06.03B(2)(a)** - Particulate Matter from Confined Sources
“A person may not cause or permit to be discharged into the outside atmosphere from any other installation, particulate matter in excess of 0.03 gr/scfd.”

- (g) **COMAR 26.11.06.03D** - Particulate Matter from Materials Handling and Construction.

“A person may not cause or permit any material to be handled, transported, or stored, or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. These reasonable precautions shall include, but not be limited to, the following when appropriate as determined by the control officer:

- (1) Use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.
- (2) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can create airborne dusts.
- (3) Installation and use of hoods, fans, and dust collectors to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting of buildings or other similar operations.
- (4) Covering, at all times when in motion, open-bodied vehicles transporting materials likely to create air pollution. Alternate means may be employed to achieve the same results as would covering the vehicles.
- (5) The paving of roadways and their maintenance in clean condition.
- (6) The prompt removal from paved streets of earth or other material which has been transported there by trucks or earth moving equipment or erosion by

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water.”

- (3) This source is subject to all applicable State-only enforceable air pollution control requirements including, but not limited, to the following regulations:
- (a) **COMAR 26.11.02.13A - Sources Subject to State Permit to Operate**
“Except for a source that is covered by a Part 70 permit, a person may not operate or cause to be operated any of the following sources without first obtaining and having in current effect, a State permit to operate as required by this regulation: **(16)** - Crushers, hammermills, shredders, grinders, classifying screens of 5 tons (4540 kilograms) or more per hour throughput.”
 - (b) **COMAR 26.11.02.14D - Procedure for Obtaining State Permit to Operate**
“A complete application for the renewal of a State permit to operate shall be submitted not later than 60 days before the expiration date in a State permit to operate. If a timely application for a renewal has been submitted, the current State permit to operate remains in effect until the Department makes a final decision to issue or deny the permit.”
 - (c) **COMAR 26.11.02.19C - Information Required to be Maintained by a Source**
 - (1) “Beginning January 1, 1994, the owner or operator of a source for which a permit to operate is required shall maintain records necessary to support the emission certification, including the following information:
 - (a) The total amount of actual emissions of each regulated pollutant and the total of all regulated pollutants;
 - (b) An explanation of the methods used to quantify the emissions and the operating schedules and production data that were used to determine emissions, including significant assumptions made;
 - (c) Amounts, types, and analyses of all fuels used;
 - (d) Emission data from continuous emission monitors that are required by this subtitle or EPA regulations, including monitor calibration and malfunction information;
 - (e) Identification, description, and use records of all air pollution control equipment and compliance monitoring equipment, including significant maintenance performed, malfunctions and downtime, and episodes of reduced efficiency of this equipment;
 - (f) Limitations on source operation or any work practice standards that significantly affect emissions; and
 - (g) Other relevant information as required by the Department.
 - (2) The logs and other records of information required by §C(1) of this regulation shall be retained for a period of 5 years and made available to the Department upon request.

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- (3) If the owner or operator of a source for which a permit to operate is required fails to maintain or provide the data required by this section, which the Department requests in order to verify the emissions during the previous calendar year, the annual emission-based fee for that source shall be based on the estimated allowable emissions, as defined in COMAR 26.11.01.01B(4), of that source, as determined by the Department.”
- (d) **COMAR 26.11.02.19D - Emission Certification**
- (1) “Beginning January 1, 1994, the responsible official designated by the owner or operator of a source for which a permit to operate is required shall certify, as provided at Regulation .02F of this chapter, the actual emissions of regulated air pollutants from all installations at the plant or facility.
- (2) Certification shall be on a form obtained from the Department and shall be submitted to the Department not later than April 1 of the year following the year for which certification is required.”
- (e) **COMAR 26.11.06.08 - Nuisance**
- “An installation or premises may not be operated or maintained in such a manner that a nuisance or air pollution is created. Nothing in this regulation relating to the control of emissions may in any manner be construed as authorizing or permitting the creation of, or maintenance of, nuisance or air pollution.”
- (f) **COMAR 26.11.06.09 - Odors**
- “A person may not cause or permit the discharge into the atmosphere of gases, vapors, or odors beyond the property line in such a manner that a nuisance or air pollution is created.”
- (g) **COMAR 26.11.15.05(A) - Control Technology Requirement**
- “New or Reconstructed Installations. A person may not construct, reconstruct, operate, or cause to be constructed, reconstructed, or operated, any new installation or source that will discharge a toxic air pollutant to the atmosphere without installing and operating T-BACT.”
- (h) **COMAR 26.11.15.06A(1) - Ambient Impact Requirement. - Requirements for New Installations, Sources, or Premises**
- “Except as provided in §A(2) of this regulation, a person may not construct, modify, or operate, or cause to be constructed, modified, or operated, any new installation or source without first demonstrating to the satisfaction of the Department using procedures established in this chapter that total allowable emissions from the premises of each toxic air pollutant discharged by the new installation or source will not unreasonably endanger human health.”

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PART C - CONSTRUCTION REQUIREMENTS

- (1) Except as otherwise provided for in this part, the Permittee shall construct the screening operations; an aluminum process; a 6050 hammermill process; a water media separation process; and a ball mill process in accordance with the specifications included in the permit applications and or specified by the equipment vendors
- (2) The Permittee shall construct the installations in a manner that will ensure compliance with all applicable regulations.

PART D - OPERATING REQUIREMENTS

- (1) The Permittee shall operate and maintain the installations in accordance with the manufacturer's specification and in a manner that will ensure full and continuous compliance with all applicable regulations.
- (2) The Permittee shall utilize water injection or dust suppressant to spray the adjacent roads as frequently as necessary to prevent fugitive emissions and dust from becoming airborne in accordance with COMAR 26.11.06.03D.
- (3) The Permittee shall utilize good work practices as necessary to ensure compliance with applicable requirements, including the odor and nuisance requirements of COMAR 26.11.06.08 and 09.
- (4) The Permittee shall regularly spray all piles of fluff, dusty materials, and roads with water as frequently as necessary to prevent fugitive emissions and dust from becoming airborne in accordance with COMAR 26.11.06.03D.
- (5) The Permittee shall use water suppression system to meet the T-BACT requirements of COMAR 26.11.15.05.

PART E - RECORD KEEPING AND REPORTING REQUIREMENTS

- (1) The Permittee shall maintain the following records necessary to support the emissions certification for at least 5 years:
 - (a) An explanation of the methods used to quantify the emissions including the operating schedules and production data that were used to determine emissions;
 - (b) The daily amount of cars and other scrap metals received and processed;
 - (c) Identification, description and records of all materials processed through

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installations included under this Permit to Operate.

- (d) Identification and use records of the fuel fired by the non-ferrous auto shredder residue dryer and records of compliance with the sulfur requirements.
 - (e) Records of the rolling 12-monthly NO_x emission calculations from the non-ferrous auto shredder residue dryer.
 - (f) Identification, description, and use records of all air pollution control equipment and compliance monitoring equipment including:
 - (i) Significant maintenance performed;
 - (ii) Malfunctions and downtime; and
 - (iii) Episodes of reduced efficiency of all the equipment;
 - (g) Emissions data, equipment calibration, and equipment malfunction information required by the permit for either emissions calculation or compliance determination;
 - (h) Limitations on source operation or any work practice standards that significantly affect emissions; and
 - (i) Other relevant information as required by the Department.
- (2) The Permittee shall submit to the Department by April 1 of each year during the term of this permit a certification of emissions for the previous calendar year. The certifications shall be prepared in accordance with all applicable requirements adopted under COMAR COMAR 26.11.02.19D.
- (a) Certifications of emissions shall be submitted on forms obtained from the Department.
 - (b) A certification of emissions shall include mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each of the Permittee's registered sources of emissions.
 - (c) The person responsible for a certification of emissions shall certify the submittal to the Department in the following manner: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for

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gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (3) The Permittee shall certify in writing to the Department by April 1 of each year, during the term of this permit, the results of an air toxics analysis for the previous calendar year. The air toxics analysis shall include either:
 - (a) Statement that the Permittee's previously submitted toxics compliance demonstrations remain valid; or
 - (b) If changes in the Permittee's operations warrant a new toxics compliance demonstration developed in accordance with the requirements set forth under COMAR 26.11.15.
- (4) The Permittee shall report, in accordance with the requirements under COMAR 26.11.01.07C, occurrences of excess emissions to the Compliance Program of the Air and Radiation Administration.
- (5) All notifications and reports required by this permit shall be submitted to:

Compliance Program
Maryland Department of the Environment
Air and Radiation Administration
1800 Washington Boulevard, Suite 715
Baltimore, MD 21230