

**Commonwealth of Kentucky
Energy and Environment Cabinet
Department for Environmental Protection
Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, Kentucky 40601
(502) 564-3999**

Draft

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Air Products and Chemicals, Inc.
Mailing Address: 1940 Air Products Boulevard
Mail Code A8F04-4
Allentown, PA 18106

Source Name: Air Products and Chemicals, Inc.
Mailing Address: 11631 US Route 23
Catlettsburg, KY 41129

Source Location: Adjacent to MPLX – Catlettsburg Refinery

Permit: V-26-028
Agency Interest: 83915
Activity: APE20230001, APE20240001
Review Type: Title V, Operating
Source ID: 21-019-00117

Regional Office: Ashland Regional Office
1550 Wolohan Drive, Suite 1
Ashland, KY 41102
(606)929-5285

County: Boyd

Application
Complete Date: March 3, 2026
Issuance Date:
Expiration Date:

**For Michael J. Kennedy, P.E.
Director
Division for Air Quality**

TABLE OF CONTENTS

SECTION	ISSUANCE	PAGE
A. PERMIT AUTHORIZATION	Renewal	1
B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	Renewal	2
C. INSIGNIFICANT ACTIVITIES	Renewal	15
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	Renewal	16
E. SOURCE CONTROL EQUIPMENT REQUIREMENTS	Renewal	18
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS	Renewal	19
G. GENERAL PROVISIONS	Renewal	22
H. ALTERNATE OPERATING SCENARIOS	Renewal	28
I. COMPLIANCE SCHEDULE	Renewal	28

Permit	Permit Type	Activity #	Complete Date	Issuance Date	Summary of Action
V-26-028	Renewal	APE20230001	6/25/2026		Renewal Permit
	Minor Revision	APE2024001			Testing Language Updates for EU 02

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Energy and Environment Cabinet (Cabinet) hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit was issued under the provisions of Kentucky Revised Statutes (KRS) Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.

SINGLE SOURCE DETERMINATION:

The hydrogen plant, operated by Air Products, produces hydrogen using steam methane reforming technology to supply hydrogen and steam only to the Marathon Petroleum Company's Catlettsburg petroleum refinery. Marathon Petroleum Company's Catlettsburg refinery is a prevention of significant deterioration of air quality (PSD) major source for regulated pollutants. Air Products' hydrogen plant is within the property limit of Marathon's refinery. Together, they are considered by the Kentucky Division for Air Quality to be a single "major source" as defined in 401 KAR 52:001, Section (1)(45)(b), definition of major source for regulated air pollutants other than hazardous air pollutants (HAPS). Each owner/operator is responsible and liable for their own violations unless there is a joint cause for the violations.

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**Emission Unit 01 Hydrogen Reformer:****Description:**

The steam methane reforming (SMR) process includes a reformer, which contains catalyst filled tubes. Natural gas is the process feed. The reforming reactions that produce hydrogen occur in the catalyst-filled tubes. The reformer combusts fuels to generate the necessary heat of reaction. Pressure swing adsorption (PSA) purge gas, natural gas, and reformer synthesis gas (syngas) are possible fuels. Emissions go out through the hydrogen reformer flue gas stack. The unit has a continuous oxygen trim system that maintains an optimum air to fuel ratio.

Construction Date: 2002, burners replaced in 2013
Fuel: Pipeline quality natural gas, PSA purge gas, and reformer syngas (all gas 1 fuels for 40 CFR 63, Subpart DDDDD)
Production Capacity: 34 million standard cubic feet (mmscf) of hydrogen per day (nominal)
Maximum Heat Capacity: 455 million British thermal units per hour (mmBtu/hr) at high heating value (HHV) of 1,000 Btu/scf
Control Device: Low NO_x burner

APPLICABLE REGULATIONS:

401 KAR 60:005, Section 2(2)(n), 40 C.F.R. 60.100 through 60.109 (**Subpart J**), *Standards of Performance for Petroleum Refineries*.

401 KAR 63:002, Section 2(4)(iii), 40 C.F.R. 63.7480 through 63.7575, Tables 1 through 15 (**Subpart DDDDD**), *National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters*.

PRECLUDED REGULATIONS:

401 KAR 51:017, *Prevention of significant deterioration of air quality*.

401 KAR 51:052, *Review of new sources in or impacting upon non-attainment areas*.

1. Operating Limitations:

- a. The permittee shall not burn (in any fuel combustion device) any fuel gas that contains hydrogen sulfide (H₂S) in excess of 230 mg/dscm (0.10 gr/dscf). The combustion in a flare of process upset gases or fuel gas that is released to the flare as a result of relief valve leakage or other emergency malfunctions is exempt from 40 CFR 60.104(a)(1). [40 CFR 60.104(a)(1)]
- b. The permittee must meet the work practice standard in Table 3, item 1 of 40 CFR 63, Subpart DDDDD except as provided under 40 CFR 63.7522. [40 CFR 63.7500(a)(1)]
 - i. Conduct a tune-up of the unit every 5 years as specified in 40 CFR 63.7540(a)(10)(i) through (vi). The permittee may delay the burner inspection specified in 40 CFR 63.7540(a)(10)(i) until the next scheduled or unscheduled unit shutdown, but must inspect each burner at least once every 72 months. [Table 3 to 40 CFR 63 Subpart DDDDD, 1.]

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. At all times, the permittee must operate and maintain the affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.7500(a)(3)]

Compliance Demonstration Method:

- i. Compliance with **1. Operating Limitations a.** is assumed due to the fuel gas stream meeting the requirements under 40 CFR 60.105(a)(4)(iv)(C).
- ii. Compliance with the **1. Operating Limitations b.** and **c.** shall be demonstrated by maintaining records in accordance with **5. Specific Recordkeeping Requirements.**
- iii. The permittee must conduct a tune-up of the boiler or process heater every 5 years as specified in 40 CFR 63.7540(a)(10)(i) through (vi) to demonstrate continuous compliance. The permittee may delay the burner inspection specified in 40 CFR 63.7540(a)(10)(i) until the next scheduled or unscheduled unit shutdown, but the permittee must inspect each burner at least once every 72 months. If an oxygen trim system is utilized on a unit without emission standards to reduce the tune-up frequency to once every 5 years, set the oxygen level no lower than the oxygen concentration measured during the most recent tune-up. [40 CFR 63.7540(a)(12)]

2. Emission Limitations:

- a. To preclude the applicability of 401 KAR 51:017 and 401 KAR 51:052:
 - i. The “synthetic minor” SO₂ and PM₁₀ emission limitations for the Hydrogen Reformer Furnace are as follows:

Affected Units	Maximum emissions (tpy)	
	SO ₂	PM ₁₀
Hydrogen Reformer Furnace	1.1	13.3

- ii. Refer to **Section D** for source-wide emission limits for NO_x, VOC and CO and compliance.
- iii. Heat input to the reformer furnace shall not exceed 455 mmBtu/hr, based on 365-day rolling average.

Compliance Demonstration Method:

- i. The permittee shall calculate for each day, in tons, the 365-day rolling total emissions of SO₂ and PM₁₀.
- ii. Refer to **Section D.3** for compliance with NO_x, CO, and VOC limits.
- iii. Emission of NO_x shall be based on data obtained from NO_x CEMS. Emissions of CO and PM₁₀ shall be based on an emission factor of 0.04 and 0.005 lb/mmBtu heat input respectively or that measured during the most recent performance test and heat input rate. Emissions of VOC shall be based on AP-42 emission factors of 0.0055 lb/mmBtu heat input (HHV) for natural gas. Emissions of SO₂ shall be based on site

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

specific emission factor of 0.00036 lb/mmBtu heat input (HHV). Refer to **3. Testing Requirements b.**

3. Testing Requirements:

- a. The permittee shall perform a stack test for PM₁₀ and CO emissions from the hydrogen reformer flue stack. The testing shall be conducted no later than five (5) years from the date of the last performance test conducted to demonstrate compliance. Testing shall be performed in accordance with 401 KAR 50:045 using EPA Reference Methods 201A/202 and 10. The high heating value heat input (mmBtu/hr) rate of the fuel combusted by the reformer during the test shall be measured and reported. The emission factors for PM₁₀ and CO in lb/mmBtu heat input (HHV) shall be reported in the test results. [401 KAR 50:045, Section 1]

4. Specific Monitoring Requirements:

- a. NO_x emissions shall be monitored by a NO_x continuous emission monitoring system (CEMS) that complies with all provisions of 40 CFR 60, Appendix B, Performance Specification 2. [401 KAR 52:020, Section 10]
- b. The NO_x CEMS shall comply with all the provisions of 40 CFR 60, Appendix F, Procedure 1, Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems used in Compliance Determination. [401 KAR 52:020, Section 10]
- c. The permittee must conduct a tune-up of the boiler or process heater every 5 years as specified in 40 CFR 63.7540(a)(10)(i) through (vi) to demonstrate continuous compliance as follows: [40 CFR 63.7540(a)(12)]
 - i. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (the permittee may perform the burner inspection any time prior to the tune-up or delay the burner inspection until the next scheduled unit shutdown). At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment; [40 CFR 63.7540(a)(10)(i)]
 - ii. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available; [40 CFR 63.7540(a)(10)(ii)]
 - iii. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the permittee may delay the inspection until the next scheduled unit shutdown); [40 CFR 63.7540(a)(10)(iii)]
 - iv. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NO_x requirement to which the unit is subject; [40 CFR 63.7540(a)(10)(iv)]
 - v. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer; and [40 CFR 63.7540(a)(10)(v)]

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- vi. Maintain on-site and submit, if requested by the Administrator, a report containing the information in 40 CFR 63.7540(a)(10)(vi)(A) through (C), as follows: [40 CFR 63.7540(a)(10)(vi)]
 - (A) The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater; [40 CFR 63.7540(a)(10)(vi)(A)]
 - (B) A description of any corrective actions taken as a part of the tune-up; and [40 CFR 63.7540(a)(10)(vi)(B)]
 - (C) The type and amount of fuel used over the 12 months prior to the tune-up, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel used by each unit. [40 CFR 63.7540(a)(10)(vi)(C)]
- d. If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 calendar days of startup. [40 CFR 63.7540(a)(13)]
- e. Each 5-year tune-up specified in 40 CFR 63.7540(a)(12) must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed affected source (as defined in 40 CFR 63.7490), the first annual, biennial, or 5-year tune-up must be no later than 13 months, 25 months, or 61 months, respectively, after April 1, 2013 or the initial startup of the new or reconstructed affected source, whichever is later. [40 CFR 63.7515(d)]

5. Specific Recordkeeping Requirements:

- a. The permittee must keep a copy of each notification and report that is submitted to comply with 40 CFR 63, Subpart DDDDD, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that is submitted, according to the requirements in 40 CFR 63.10(b)(2)(xiv). [40 CFR 63.7555(a)(1)]
 - i. The permittee's records must be in a form suitable and readily available for expeditious review, according to 40 CFR 63.10(b)(1). [40 CFR 63.7560(a)]
 - ii. As specified in 40 CFR 63.10(b)(1), the permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.7560(b)]
 - iii. The permittee must keep each record on site, or they must be accessible from on site (for example, through a computer network), for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 CFR 63.10(b)(1). The permittee can keep the records off site for the remaining 3 years. [40 CFR 63.7560(c)]
- b. The permittee shall maintain records of the daily heat input in mmBtu/hr and the calculated 365-day rolling average heat input to the Hydrogen Reformer. [401 KAR 52:020, Section 10]

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. The permittee shall maintain daily records of the calculated 365-day rolling total emissions of NO_x, VOC, and CO from the Hydrogen Reformer Flue Gas Stack. [401 KAR 52:020, Section 10]
- d. The permittee shall maintain daily records of the calculated 365-day rolling total emissions of SO₂ and PM₁₀ from the Hydrogen Reformer Flue Gas Stack. [401 KAR 52:020, Section 10]
- e. Refer to **Section D.4.**

6. Specific Reporting Requirements:

- a. The permittee must submit to the Administrator all of the notifications in 40 CFR 63.7(b) and (c), 63.8(e), (f)(4) and (6), and 63.9(b) through (h) that apply to the permittee by the dates specified. [40 CFR 63.7545(a)]
- b. Unless the EPA Administrator has approved a different schedule for submission of reports under 40 CFR 63.10(a), the permittee must submit each report, according to 40 CFR 63.7550(h), by the date in Table 9 to 40 CFR 63, Subpart DDDDD and according to the requirements in 40 CFR 63.7550(b)(1) through (4). For units that are subject only to a requirement to conduct subsequent annual, biennial, or 5-year tune-up according to 40 CFR 63.7540(a)(10), (11), or (12), respectively, and not subject to emission limits or Table 4 operating limits, the permittee may submit only an annual, biennial, or 5-year compliance report, as applicable, as specified in 40 CFR 63.7550(b)(1) through (4), instead of a semi-annual compliance report. [40 CFR 63.7550(b)]
- c. A compliance report must contain the following information depending on how the facility chooses to comply with the limits set in 40 CFR 63, Subpart DDDDD. [40 CFR 63.7550(c)]
 - i. If the facility is subject to the requirements of a tune up the permittee must submit a compliance report with the information in 40 CFR 63.7550(c)(5)(i) through (iii), (xiv) and (xvii), and 40 CFR 63.7550(c)(5)(iv) for limited-use boiler or process heater. [40 CFR 63.7550(c)(1)]
 - (A) Company and Facility name and address. [40 CFR 63.7550(c)(5)(i)]
 - (B) Process unit information, emissions limitations, and operating parameter limitations. [40 CFR 63.7550(c)(5)(ii)]
 - (C) Date of report and beginning and ending dates of the reporting period. [40 CFR 63.7550(c)(5)(iii)]
 - (D) The total operating time during the reporting period. [40 CFR 63.7550(c)(5)(iv)]
 - (E) Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual, biennial, or 5-year tune-up according to 40 CFR 63.7540(a)(10), (11), or (12) respectively. Include the date of the most recent burner inspection if it was not done annually, biennially, or on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown. [40 CFR 63.7550(c)(5)(xiv)]
 - (F) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report. [40 CFR 63.7550(c)(5)(xvii)]

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- d. The permittee must submit all reports required by Table 9 of 40 CFR 63, Subpart DDDDD electronically to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) The permittee must use the appropriate electronic report in CEDRI for 40 CFR 63, Subpart DDDDD. Instead of using the electronic report in CEDRI for 40 CFR 63, Subpart DDDDD, the permittee may submit an alternate electronic file consistent with the XML schema listed on the CEDRI Web site (<http://www.epa.gov/ttn/chief/cedri/index.html>), once the XML schema is available. If the reporting form specific to 40 CFR 63, Subpart DDDDD is not available in CEDRI at the time that the report is due, the permittee must submit the report to the Administrator at the appropriate address listed in 40 CFR 63.13. The permittee must begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI.
- e. Refer to **Section D.5**.

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Unit 02 Condensate Stripper:****Description:**

Condensate stripper strips off any dissolved CO₂ and potential steam impurities by using stripping steam; the gases are vented to the atmosphere through the vent system.

Date of Construction: 2002
Control Device: None
Capacity: Vent Gas Flow based on 34 mmscf hydrogen production per day (nominal)

APPLICABLE REGULATIONS:

401 KAR 63:020, *Potentially hazardous matter or toxic substances*. [STATE-ORIGIN REQUIREMENT]

1. Operating Limitations:

None

2. Emission Limitations:

- a. The permittee shall provide the utmost care and consideration, in the handling of materials from which hazardous matter or toxic substances may be emitted, to the potentially harmful effects of the emissions resulting from such activities. The permittee shall not allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet. [401 KAR 63:020, Section 3]

Compliance Demonstration Method:

Based upon the emission rates of toxic and hazardous air pollutants determined by the Cabinet using information provided in the application and supplemental information submitted by the source, the Cabinet determines the affected facility to be in compliance with 401 KAR 63:020.

- b. Refer to **Section D.3** for the source-wide emission limits and compliance.

3. Testing Requirements:

The permittee shall perform a stack test for VOC and CO emissions from the Condensate Stripper stack. The testing shall be conducted no later than five (5) years from the date of the last performance test conducted to demonstrate compliance. Testing shall be performed in accordance with 401 KAR 50:045, using the Modified Bay Area Air Quality Management District Method ST-32, EPA Method 8015 (SW-846) for methanol and ethanol, EPA Method TO-12 (SW-846) for TNMOC, and ASTM D1945 for fixed gases (methane, oxygen, nitrogen, carbon monoxide, carbon dioxide, and hydrogen), or other test methods as approved by the Division. The Vent Gas Flow based on 34 mmscf hydrogen production per day (nominal) shall be measured and reported. The emission factors for VOC and CO in

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

lb/mmscf of hydrogen produced shall be reported in the test results. [401 KAR 50:045, Section 1]

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of hydrogen produced (in mmscf) on a daily basis. [401 KAR 52:020, Section 10]

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain daily records of hydrogen production and the calculated 365-day rolling total hydrogen production. [401 KAR 52:020, Section 10]
- b. The permittee shall maintain daily records of the calculated, 365-day rolling total VOC and CO emissions (tpy) from the Condensate Stripper Vent, using the calculated 365-day rolling total hydrogen production and the VOC and CO emission factors (lb/mmscf of hydrogen produced) developed from the most recent performance test. [401 KAR 52:020, Section 10]
- c. Refer to **Section D.4.**

6. Specific Reporting Requirements:

Refer to **Section D.5.**

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Unit 03 Flare:****Description:**

Flare and Flare Gas:

The hydrogen plant uses an unassisted flare equipped with natural gas-fired pilot burners to burn excess hydrogen product during refinery hydrogen demand curtailment and also to burn PSA feed gas (syngas), PSA purge gas, hydrogen product, natural gas, and relief valve vents from the hydrogen plant during startup, shutdown and malfunction, process upsets, maintenance, and emergencies.

Date of Construction: 2003

Capacity of Natural Gas-fired Pilots: Total 200 standard cubic feet per hour (nominal)

Control Device: None

APPLICABLE REGULATIONS:**401 KAR 63:015, *Flares*****1. Operating Limitations:**

- a. The permittee shall burn natural gas whenever the flare is in standby mode (pilot operation). [401 KAR 52:020, Section 10]
- b. The flare shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. [401 KAR 52:020, Section 10]

Compliance Demonstration Method:See 4. **Specific Monitoring Requirements b.**

- c. The flare shall be operated with a flame present at all times.. [401 KAR 52:020, Section 10]

Compliance Demonstration Method:See 4. **Specific Monitoring Requirements a.**

- d. The flare shall be operated at all times when emissions are vented to it. [401 KAR 52:020, Section 10]
- e. The flare shall be used only with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater. [401 KAR 52:020, Section 10]

Compliance Demonstration Method:See 5. **Specific Recordkeeping Requirements e.****2. Emission Limitations:**

The visible emissions from the flare shall not exceed twenty (20) percent opacity for more than three (3) minutes in any one (1) day. [401 KAR 63:015, Section 3]

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Compliance Demonstration Method:**

Compliance shall be demonstrated by complying with the following requirements:

- i. Operating the flare pursuant to the requirements of **1. Operating Limitations b. through e.**
- ii. A flare pilot outage shall be indicated by a control panel pilot flame monitoring light and audible alarm. Attempts shall be made to immediately enable switches to relight the pilot upon flare pilot outage indication.

a. Refer to **Section D.3.** for the source-wide emission limits and compliance.

3. Testing Requirements:

Performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted if required by the Division. [401 KAR 50:045, Section 1]

4. Specific Monitoring Requirements:

- a. The permittee shall install and maintain a thermocouple or any other equivalent device to continuously monitor the presence of a pilot flame in the flare. [401 KAR 52:020, Section 10]
- b. The permittee shall perform a qualitative visual observation of the flare at least once per month during daylight hours. If visible emissions are observed, an inspection shall be initiated to determine the cause and repairs made as necessary. After repair, if visible emissions are still observed, the permittee may determine compliance using EPA Reference Method 22. [401 KAR 52:020, Section 10]
- c. The permittee shall install, operate, and maintain a monitoring system for each vent connected to the flare to measure and record the date and time of a flaring event and the volume of each gas vented to the flare. [401 KAR 52:020, Section 10]

5. Specific Recordkeeping Requirements:

- a. The permittee shall keep record of date, time, and duration of each flaring event. [401 KAR 52:020, Section 10]
- b. The permittee shall keep records of all equipment inspections and any maintenance, inspection, calibration and/or replacement of such equipment required by **4. Specific Monitoring Requirements**. Records shall be available for inspection upon request. [401 KAR 52:020, Section 10]
- c. The permittee shall maintain daily records of the calculated 365-day rolling total NO_x, VOC and CO emissions from the flare. [401 KAR 52:020, Section 10]
- d. The permittee shall keep the following operating records for each time period that flaring occurs: [401 KAR 52:020, Section 10]
 - i. Documentation if the event was due to startup, shutdown or malfunction;
 - ii. Volume of waste gas vented to the flare and plant process where the waste gas originated; and
 - iii. Confirmation that the flare functioned properly, i.e., a flame was present.

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- e. The permittee shall keep record of the heat content calculations for the waste gas vented to the flare during a startup, a shutdown, process upset and a product curtailment flaring event. The net heating value of the gas being combusted shall be determined by the methods specified in 40 CFR 63.18(f)(3). [401 KAR 52:020, Section 10]
- f. Refer to **Section D.4.**

6. Specific Reporting Requirements:
Refer to **Section D.5.**

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Unit 04 Fugitive Emissions:****Description:**

Source-wide fugitive emissions from valves, flanges and fittings

Date of Construction: 2002

APPLICABLE REGULATIONS:

401 KAR 63:020, *Potentially hazardous matter or toxic substances*. [STATE-ORIGIN REQUIREMENT]

1. Operating Limitations:

None

2. Emission Limitations:

- a. The permittee shall provide the utmost care and consideration in the handling of materials from which hazardous matter or toxic substances may be emitted, to the potentially harmful effects of the emissions resulting from such activities. The permittee shall not allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet. [401 KAR 63:020, Section 3]

Compliance Demonstration Method:

Based upon the emission rates of toxic and hazardous air pollutants determined by the Cabinet using information provided in the application and supplemental information submitted by the source, the Cabinet determines the affected facility to be in compliance with 401 KAR 63:020.

- b. Refer to **Section D.3** for the source-wide emission limits and compliance.

3. Testing Requirements:

Performance testing using the reference methods specified in 401 KAR 50:015 shall be conducted if required by the Cabinet. [401 KAR 50:045, Section 1]

4. Specific Monitoring Requirements:

None

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain annual records of the calculated VOC and CO emissions (tpy) from fugitive equipment leaks. Emissions shall be based upon emission factors and estimated component counts. In place of actual emission rates, the permittee may use worst-case emission estimates. [401 KAR 52:020, Section 10]
- b. Refer to **Section D.4**.

6. Specific Reporting Requirements:

Refer to **Section D.5**.

SECTION B - EMISSION UNITS, EMISSION POINTS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Unit 05 Steam Vents:****Description:**

Multiple steam vents of differing VOC composition

Date of Construction: 2002

Capacity: N/A

Control Device: None

APPLICABLE REGULATIONS:

401 KAR 63:020, *Potentially hazardous matter or toxic substances* [STATE-ORIGIN REQUIREMENT]

1. Operating Limitations:

None

2. Emission Limitations:

- a. The permittee shall provide the utmost care and consideration in the handling of materials from which hazardous matter or toxic substances may be emitted, to the potentially harmful effects of the emissions resulting from such activities. The permittee shall not allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet. [401 KAR 63:020, Section 3]

Compliance Demonstration Method:

Based upon the emission rates of toxic and hazardous air pollutants determined by the Cabinet using information provided in the application and supplemental information submitted by the source, the Cabinet determines the affected facility to be in compliance with 401 KAR 63:020.

- b. Refer to **Section D.3** for the source-wide emission limits and compliance.

3. Testing Requirements:

Performance testing using the reference methods specified in 401 KAR 50:015 shall be conducted if required by the Cabinet. [401 KAR 50:045, Section 1]

4. Specific Monitoring Requirements:

None

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain annual records of the calculated VOC (tpy) emissions from steam vents. In place of actual emission rates, the permittee may use worst-case emission estimates. [401 KAR 52:020, Section 10]
- b. Refer to **Section D.4**.

6. Specific Reporting Requirements:

Refer to **Section D.5**.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Cooling Tower (1000 gpm nominal)	401 KAR 59:010
2. Analyzer Vents	None
3. Lube Oil Storage	None
4. Water Treatment Chemical Storage and Handling	None
5. Safety Relief Valves	None
6. Wastewater Sump	None
7. Catalyst Loading	401 KAR 63:010

SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. SO₂, NO_x, VOC, CO and PM₁₀ emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. The source has elected to accept permit conditions to preclude the applicability of 401 KAR 51:017, Prevention of Significant Deterioration of Air Quality, and 401 KAR 51:052, Review of New Sources in or impacting upon Non-attainment Areas, to the proposed modification. Relaxation of limitations on the capacity to emit of the equipment which were established to preclude the applicability of 401 KAR 51:017, or 401 KAR 51:052, is prohibited unless the applicable provisions of these regulations have been satisfied. Alternatively, the Permittee may submit documentation that a proposed activity would not cause the change authorized to become classified as a major modification pursuant to 401 KAR 51:017 or 51:052.
 - a. The “synthetic minor” emission limitations for the Hydrogen Reformer Furnace are as follows:

Affected Units	Maximum Emissions (tpy)		
	NO _x	VOC	CO
Hydrogen Reformer Furnace EU-01	104.6	9.7	70.3

- b. The “synthetic minor” emission limitations for the Condensate Stripper Unit are as follows:

Affected Units	Maximum Emissions (tpy)				
	SO ₂	NO _x	VOC	CO	PM ₁₀
Condensate Stripper EU-02	NA	NA	14.5	4.6	NA

- c. In addition, heat input to the reformer furnace shall not exceed 455 mmBtu/hr, based on a 365-day rolling average.
 - d. The source-wide “synthetic minor” emission limitations are as follows:

Pollutant	Emissions Limits (calculated rolling 365-day total)
NO _x	112.7
CO	99.5
VOC	31.1

SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

Compliance Demonstration Method:

- i. Compliance with the individual synthetic minor limits for EU-01 and EU-02 shall be determined as follows: The permittee shall perform daily calculations of daily emission rates and rolling 365-day total emissions for EU-01 and EU-02. Using these values, the facility shall calculate the actual source wide annual emissions of NO_x, CO and VOC. Total annual emissions from the source shall not exceed the emission rates listed in the following table, based on a calculated rolling 365-day total. Compliance with the source-wide synthetic minor emission limits imply compliance with the individual emissions limits for EU-01 and EU-02.
- ii. Compliance with the source-wide synthetic minor limits shall be determined as follows: The permittee shall calculate and record daily actual emissions and total emissions for the previous 365-day period for all the emission units listed in **Section B and C** of this permit. In place of the actual emission rates, the permittee may use worst-case emission estimates.

4. Source Recordkeeping Requirements:

The permittee shall retain documentation of emission calculations on site for a minimum of five years. The documentation shall be made available for inspection by the Division or U.S. EPA upon request.

5. Source Reporting Requirements:

A summary of consecutive calculated rolling 365-day total emissions shall be included in the Semi-Annual Monitoring Report required by **Section F** of this permit.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five (5) years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b-IV-2 and 1a-8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020, Section 3(1)h, the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020, Section 23. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1, the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken shall be submitted to the Regional Office listed on the front of this permit. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement does not identify a specific time frame for reporting deviations, prompt reporting, as required by Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, shall be defined as follows:
 - a. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
 - b. For emissions of any regulated air pollutant, excluding those listed in F.8.a., that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
 - c. All deviations from permit requirements, including those previously reported, shall be included in the semiannual report required by F.6.
9. Pursuant to 401 KAR 52:020, Title V permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- e. For an emissions unit that was still under construction, or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
- f. The certification shall be submitted by January 30th of each year. Annual compliance certifications shall be sent to the following addresses:

Division for Air Quality
Ashland Regional Office
1550 Wolohan Drive, Suite 1
Ashland, KY 41102

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St. SW
Atlanta, GA 30303-8960

- 10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within 30 days of the date the Kentucky Emissions Inventory System (KYEIS) emissions survey is mailed to the permittee.

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020, Section 3(1)(b), and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - (2) The Cabinet or the United States Environmental Protection Agency (U. S. EPA) determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
 - (4) New requirements become applicable to a source subject to the Acid Rain Program.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020, Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i. All emission limitations and standards contained in this permit shall be enforceable as a practical matter. All emission limitations and standards contained in this permit are enforceable by the U.S. EPA and citizens except for those specifically identified in this permit as state-origin requirements. [Section 1a-15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3) b].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3) d.].
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3) a.].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in this permit; and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six (6) months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020, Section 8(2)].

3. Permit Revisions

- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the State Implementation Plan (SIP) or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

No construction authorized by permit V-26-028.

SECTION G - GENERAL PROVISIONS (CONTINUED)**5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045, Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
- b. The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NOx compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:020, Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - (4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.1-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - (5) This requirement does not relieve the source of other local, state or federal notification requirements.
- b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
 - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

8. Ozone Depleting Substances

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to U.S. EPA using the RMP* eSubmit software.
- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None