

**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 52:030**

Permittee Name: Alum Springs Convenience Center
Mailing Address: 1862 S. Danville Bypass Road
Danville, KY 40422

Source Name: Alum Springs Convenience Center
Mailing Address: 1862 S. Danville Bypass Road
Danville, KY 40422

Source Location: 775 Yates Road
Danville, KY 40422

Permit ID: F-26-003
Agency Interest #: 43827
Activity ID: APE20250001
Review Type: Conditional Major, Construction/Operating
Source ID: 21-021-00081

Regional Office: London Regional Office
875 S. Main Street
London, KY 40741
(606) 330-2080

County: Boyle

Application Complete Date: January 8, 2025
Issuance Date:
Expiration Date:

X

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

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Permit	Permit Type	Activity #	Complete Date	Issuance Date	Summary of Action
F-26-003	Initial	APE20250001	1/8/2025		Initial Construction Permit

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 52:030, Federally-enforceable permits for non-major sources.

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.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**Emission Unit 01 Air Curtain Incinerator****Description:**

Model: Air Burners Inc S330
Maximum charging rate: 13 tons/hr with a voluntary limit of 35 tons/day
Primary Fuel: 100% mixture of wood waste, clean lumber, and/or yard waste
Construction Commenced: August 2025

APPLICABLE REGULATIONS:

401 KAR 59:020, *New incinerators*

401 KAR 60:005, Section 2(2)(cccc) 40 C.F.R. 60.2880 through 60.2977, Tables 1 through 4 (**Subpart EEEE**), *Standards of Performance for Other Solid Waste Incineration Units for Which Construction Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006*

STATE-ORIGIN REQUIREMENTS:

401 KAR 63:020, *Potentially hazardous matter or toxic substances*

PRECLUDED REGULATIONS:

401 KAR 60:005, Section 2(2)(bbbb) 40 C.F.R. 60.2000 through 60.2265, Tables 1 through 8 (**Subpart CCCC**), *Standards of Performance for Commercial and Industrial Solid Waste Incineration Units*

1. Operating Limitations:

- a. The permittee shall not exceed a charging rate of 35 tons per day. [To preclude 40 CFR 60 Subpart CCCC]
- b. Air curtain incinerators that burn less than 35 tons per day and burn only the materials listed in 40 CFR 60.2888(b)(1) through (4) collected from the general public and from residential, commercial, institutional, and industrial sources; or, air curtain incinerators located at institutional facilities that burn only the materials listed in 40 CFR 60.2888(b)(1) through (4) generated at that facility, are required to meet only the requirements in 40 CFR 60.2970 through 60.2973 and are exempt from all other requirements of 40 CFR 60 Subpart EEEE. [40 CFR 60.2888(b)]
 - i. 100 percent wood waste. [40 CFR 60.2888(b)(1)]
 - ii. 100 percent clean lumber. [40 CFR 60.2888(b)(2)]
 - iii. 100 percent yard waste. [40 CFR 60.2888(b)(3)]
 - iv. 100 percent mixture of only wood waste, clean lumber, and/or yard waste. [40 CFR 60.2888(b)(4)]
- c. All affected facilities shall have a nameplate installed in a conspicuous place on the unit giving the manufacturer's name, model number, rated capacity, and the types of waste material for which the unit is designed. [401 KAR 59:020, Section 5]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**2. Emission Limitations:**

- a. Within 60 days after the air curtain incinerator reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, the permittee shall meet the two limitations specified in 40 CFR 60.2971(a)(1) and (2). [40 CFR 60.2791(a)]
 - i. The opacity limitation is 10 percent (6-minute average), except as described in 40 CFR 60.2971(a)(2). [40 CFR 60.2791(a)(1)]
 - ii. The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation. [40 CFR 60.2791(a)(2)]
 - iii. The limitations in 40 CFR 60.2791(a) apply at all times. [40 CFR 60.2791(b)]

Compliance Demonstration Method:

Compliance shall be demonstrated according to **3. Testing Requirements** a.

- b. The permittee shall not cause, suffer, allow, or permit the emission produced by the incineration of any substance to have greater than twenty (20) percent opacity. [401 KAR 59:020, Section 3(1)]

Compliance Demonstration Method:

Compliance shall be demonstrated according to **4. Specific Monitoring Requirements** a. and **5. Specific Recordkeeping Requirements** d.

- c. The permittee shall not cause to be charged into the atmosphere any gases which contain particulate matter in excess of 0.23 g/dscm (one-tenth (0.1) gr/dscf) corrected to twelve (12) percent carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel. [401 KAR 59:020, Section 3(2)(a)]

Compliance Demonstration Method:

Compliance shall be demonstrated by properly operating and maintaining the air curtain incinerator according to the manufacturer's recommendations.

- d. Persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall 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 toxics 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.

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

- e. See **Section D – Source Emission Limitations and Testing Requirements** for source-wide CO emissions limitations.

3. Testing Requirements:

- a. The permittee shall use EPA Method 9 of Appendix A to this part or ASTM D7520-16, to determine compliance with the opacity limitation. [40 CFR 60.2972(a)]
- b. After the initial test for opacity, the permittee shall conduct annual tests no more than 12 months following the date of the previous test. [40 CFR 60.2972(c)]
- c. The permittee shall conduct an initial test for opacity as specified in 40 CFR 60.8. [40 CFR 60.2972(b)]
- d. If the air curtain incinerator has been out of operation for more than 12 months following the date of the previous test, then the permittee must conduct a test for opacity upon startup of the unit. [40 CFR 60.2972(d)]
- e. Testing shall be conducted at such times as may be requested by the Cabinet. [401 KAR 50:045, Section 1]
- f. During testing, the permittee shall not exceed a charging rate of 35 tons/day or 11.6 tons/hr for 3 equivalent test runs. [401 KAR, 52:030 Section 10]

4. Specific Monitoring Requirements:

- a. The permittee shall perform a qualitative visual observation of the opacity of emissions at each stack no less than weekly while the affected facility is operating. If visible emissions are observed (not including condensed water in the plume), the permittee shall determine the opacity using U.S. EPA Reference Method 9. In lieu of determining the opacity using U.S. EPA Reference Method 9, the permittee shall immediately perform a corrective action which results in no visible emissions (not including condensed water in the plume). [401 KAR 52:030, Section 10]
- b. The permittee shall monitor the charging rate (in tons) and the type of material burned on a daily basis. [401 KAR 52:030, Section 10]
- c. The permittee shall monitor the hours of operation and the quantity of material burned (in tons) on a monthly basis. [401 KAR 52:030, Section 10]

5. Specific Recordkeeping Requirements:

- a. The permittee shall keep records of results of all initial and annual opacity tests in either paper copy or computer-readable format that can be printed upon request, unless the Administrator approves another format, for at least 5 years. The permittee must keep each record on site for at least 2 years. The permittee may keep the records off site for the remaining 3 years. [40 CFR 60.2973(b)]
- b. The permittee shall make all records available for submittal to the Administrator or for an inspector's review. [40 CFR 60.2973(c)]

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

- c. The permittee shall keep a copy of the initial and annual reports on site for a period of 5 years. The permittee must keep each report on site for at least 2 years. The permittee may keep the reports off site for the remaining 3 years. [40 CFR 60.2973(f)]
- d. The permittee shall keep a log of the visual observations made as specified in **4. Specific Monitoring Requirements** a. including the date, time, initials of observer, whether any emissions were observed (yes/no), any corrective action taken, and any U.S. EPA Reference Method 9 readings conducted. [401 KAR 52:030, Section 10]
- e. The permittee shall maintain records of the charging rate (in tons) and the type of material burned on a daily basis. [401 KAR 52:030, Section 10]
- f. The permittee shall maintain records of the hours of operation and the quantity of material burned (in tons) on a monthly basis. [401 KAR 52:030, Section 10]

6. Specific Reporting Requirements:

- a. Prior to commencing construction on the air curtain incinerator, the permittee shall submit the three items described in 40 CFR 60.2973(a)(1)-(3). [40 CFR 60.2973(a)]
 - i. Notification of the intent to construct the air curtain incinerator. [40 CFR 60.2973(a)(1)]
 - ii. The planned initial startup date. [40 CFR 60.2973(a)(2)]
 - iii. Types of materials planned to burn in the air curtain incinerator. [40 CFR 60.2973(a)(3)]
- b. The permittee shall submit the results (each 6-minute average) of the initial opacity tests no later than 60 days following the initial test. Submit annual opacity test results within 12 months following the previous report. [40 CFR 60.2973(d)]
- c. Within 60 days after the date of completing the initial opacity test and each annual opacity test required by 40 CFR 60 Subpart EEEE, the permittee shall submit the results of the opacity test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The EPA will make all the information submitted through CEDRI available to the public without further notice to the permittee. Do not use CEDRI to submit confidential business information (CBI). [40 CFR 60.2973(e) referencing 40 CFR 60.2961(b) and (c)]
- d. See **Section F - Monitoring, Recordkeeping, and Reporting Requirements** for general reporting requirements.

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

Emission Unit 02 Non-Emergency Diesel-Fired Engine

Description:

Model: HATZ 4H50TIC
 Maximum Engine Power: 74.2 HP (55.4 kW)
 Maximum Fuel Rate: 4.3 gal/hr
 Primary Fuel: Diesel
 Construction Commenced: August 2025

APPLICABLE REGULATIONS:

401 KAR 60:005, Section 2(2)(dddd), 40 C.F.R. 60.4230 through 60.4248, Tables 1 through 4 (**Subpart III**), *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*

401 KAR 63:002, Section 2(4)(eeee), 40 C.F.R. 63.6580 through 63.6675, Tables 1a through 8, and Appendix A (**Subpart ZZZZ**), *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*

1. Operating Limitations:

- a. The permittee shall meet the requirements of 40 CFR part 63 by meeting the requirement of 40 CFR 60, Subpart IIII, for compressions ignition engines. No further requirements apply for such engines under 40 CFR part 63. [40 CFR 63.6590(c)(1)]
- b. The permittee shall operate and maintain stationary compression ignition (CI) internal combustion engines (ICE) that achieve the emission standards as required in 40 CFR 60.4204 over the entire life of the engine. [40 CFR 60.4206]
- c. The permittee shall use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted. [40 CFR 60.4207(b)]

2. Emission Limitations:

- a. The permittee shall comply with the emission standards for new CI engines in 40 CFR 60.4201 for their 2007 model year and later stationary CI ICE, as applicable. Steady-state exhaust emissions from the engine shall not exceed the applicable emission standards in Table 1 of 40 CFR 1039.101: [40 CFR 60.4204(b)]

PM Emission Standard	NO _x + NMHC Emission Standard	CO Emission Standard
0.03 g/kW-hr	4.7 g/kW-hr	5.0 g/kW-hr

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

- A. The permittee shall comply with the emission standards specified in 40 CFR 60 Subpart III by doing all of the following, except as permitted under 40 CFR 60.4211(g). [40 CFR 60.4211(a)]
- I. Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions; [40 CFR 60.4211(a)(1)]
 - II. Change only those emission-related settings that are permitted by the manufacturer; and [40 CFR 60.4211(a)(2)]
 - III. Meet the requirements of 40 CFR part 1068, as they apply. [40 CFR 60.4211(a)(3)]
- B. The permittee shall comply with the emission standards specified in 40 CFR 60.4204(b) by purchasing an engine certified to the emission standards in 40 CFR 60.4204(b), as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in 40 CFR 60.4211(g). [40 CFR 60.4211(c)]
- C. If the permittee does not install, configure, operate, and maintain the engine and control device according to the manufacturer's emission-related written instruction, or changes emission-related settings in a way that is not permitted by the manufacturer, the permittee shall keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR 60.4211(g) and (g)(1)] In addition, see **3. Testing Requirements**
- a.
 - b. See **Section D – Source Emission Limitations and Testing Requirements** for source-wide CO emissions limitations.

3. Testing Requirements:

- a. If the permittee does not install and configure the engine and control device according to the manufacturer's emission-related written instructions, or changes the emission-related settings in a way that is not permitted by the manufacturer, the permittee must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of such action. [40 CFR 60.4211(g)(1)]
- b. Owners and operators who conduct performance tests pursuant to 40 CFR 60, Subpart III must do so according to 40 CFR 60.4212(a) through (e). [40 CFR 60.4212]
- c. Testing shall be conducted at such times as may be requested by the Cabinet. [401 KAR 50:045, Section 1]

4. Specific Monitoring Requirements:

- a. The permittee shall monitor fuel usage (in gallons) and hours of operation on a monthly basis. [401 KAR 52:030, Section 10]

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

- b. The permittee shall meet the monitoring requirements of 40 CFR 60.4209. In addition, the permittee shall also meet the monitoring requirements specified in 40 CFR 60.4211. [40 CFR 60.4209]

5. Specific Recordkeeping Requirements:

The permittee shall maintain records of fuel usage (in gallons) and hours of operation on a monthly basis. [40 KAR 52:030, Section 10]

6. Specific Reporting Requirements:

- a. Within 60 days after the date of completing each performance test required by 40 CFR 60, Subpart III, the permittee shall submit the results of the performance test following the procedures specified in 40 CFR 60.4214(f)(1) and (2). [40 CFR 60.4214(f)]
- b. The permittee shall submit notifications or reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The EPA will make all the information submitted through CEDRI available to the public without further notice to the permittee. Do not use CEDRI to submit confidential business information (CBI). [40 CFR 60.4214(g)]
- c. See **Section F – Monitoring, Recordkeeping, and Reporting Requirements** for general reporting requirements.

SECTION C - INSIGNIFICANT ACTIVITIES

N/A

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, 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. CO, PM, opacity, and NOx 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. To preclude the applicability of 401 KAR 52:020, CO emissions shall not exceed 90 tons per year, based on a 12-month rolling total.

Compliance Demonstration Method:

Compliance shall be demonstrated by limiting the Emission Unit 01 charge rate to 35 tons per day according to **1. Operating Limitations a.** under Emission Unit 01.

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 Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 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 [401 KAR 52:030, Section 3(1)(f)1a, and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
3. In accordance with the requirements of 401 KAR 52:030, Section 3(1)f, 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 Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
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 52:030, Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported

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

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 Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, 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 52:030, 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 in accordance with the following requirements:
 - a. Identification of each 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.
 - 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

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

certifications shall be sent to the Division for Air Quality, London Regional Office, 875 S. Main Street, London, KY 40741.

10. In accordance with 401KAR 52:030, Section 3(1)(d), 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. If a KYEIS emissions survey is not mailed to the permittee, then the permittee shall comply with all other emissions reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
 - a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - (1) The size and location of both the original and replacement units; and
 - (2) Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - (1) Re-install the original unit and remove or dismantle the replacement unit; or
 - (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030, 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 the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, 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-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030, Section 18. 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 52:030, 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.

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- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030, Section 3(1)(c)].
- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect

SECTION G - GENERAL PROVISIONS (CONTINUED)

information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030, 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-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, 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-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, 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-12 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, 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-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, 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 52:030, Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, 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.
- 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.
- 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

SECTION G - GENERAL PROVISIONS (CONTINUED)

incorporates all requirements of those existing permits into one single permit for this source.

- q. Pursuant to 401 KAR 52:030, 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 52:030, Section 12].
- b. The authority to operate granted through this permit 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 52:030, Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030, Section 14(3), 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 52:030, 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

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission units 01 and 02 in accordance with the terms and conditions of this permit, F-26-003.

- a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, notification of the following:
 - (1) The date when construction commenced.
 - (2) The date of start-up of the affected facilities listed in this permit.
 - (3) The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to 401 KAR 52:030, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the final permit. Pursuant to 401 KAR 50:055, Section 2(1)(a), an owner or operator of any affected facility subject to any standard within the administrative regulations of the Division for Air Quality shall demonstrate compliance with the applicable standard(s) within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial start-up of such facility. Pursuant to 401 KAR 52:030, Section 3(3)(c), sources that have not demonstrated compliance within the timeframes prescribed in 401 KAR 50:055, Section 2(1)(a), shall operate the affected facility only for purposes of demonstrating compliance unless authorized under an approved compliance plan or an order of the cabinet.
- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provisions G.5 of this permit.

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

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.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:030, Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (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) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
 - (5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
- b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030, Section 23(3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030, Section 23(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

SECTION G - GENERAL PROVISIONS (CONTINUED)

(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*.

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

N/A

SECTION I - COMPLIANCE SCHEDULE

N/A