

**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: B & W Resources, Inc.
Mailing Address: 300 Liperote Way
London, KY 40741

Source Name: Pioneer Preparation Plant
Mailing Address: Same as above


Source Location: KY 1088
Sassafras, KY 41659

Permit ID: F-24-033
Agency Interest #: 2516
Activity ID: APE20240003
Review Type: Conditional Major, Operating
Source ID: 21-119-00018

Regional Office: Hazard Regional Office
1332 S. KY HWY 15, Suite 100
Hazard, KY 41701
(606) 435-6022

County: Knott

**Application
Complete Date:** June 18, 2024
Issuance Date:
Expiration Date:



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

TABLE OF CONTENTS

| SECTION | ISSUANCE | PAGE |
|--|----------|------|
| A. PERMIT AUTHORIZATION | Initial | 1 |
| B. EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS | Initial | 2 |
| C. INSIGNIFICANT ACTIVITIES | Initial | 14 |
| D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS | Initial | 15 |
| E. SOURCE CONTROL EQUIPMENT REQUIREMENTS | Initial | 17 |
| F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS | Initial | 18 |
| G. GENERAL PROVISIONS | Initial | 21 |
| H. ALTERNATE OPERATING SCENARIOS | Initial | 26 |
| I. COMPLIANCE SCHEDULE | Initial | 27 |

| Permit | Permit Type | Activity# | Complete Date | Issuance Date | Summary of Action |
|----------|-------------|-------------|---------------|---------------|---|
| F-24-033 | Initial | APE20240003 | 6/18/2024 | | Initial Operating Permit for Coal Preparation Plant |

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

| EP | Name | Capacity (tons/hr) | Construction Date | Control Device |
|------|--|-----------------------|----------------------|--------------------|
| 0101 | Truck Dump (Raw Coal) (TP-01) | 1000 | 6/1/1992 | Wet Suppression |
| 0102 | Loadout (End-Loader from Stockpile OS-8 to Receiving Hopper BS-01) | 1000 | | |
| 0117 | Preparation Plant | 1000 | | Wet Process |
| 0601 | Loadout (TP-72) | 1000 | 8/1/2004 | Min Drop Height |

APPLICABLE REGULATIONS:

401 KAR 60:005 Section 2(2)(gg), 40 C.F.R. 60.250 through 60.258 (Subpart Y), Standards of Performance for Coal Preparation and Processing Plants

1. Operating Limitations:

Not Applicable

2. Emission Limitations:

- a. For each affected facility listed above, the permittee shall not cause to be discharged into the atmosphere gases which exhibit twenty percent (20%) opacity or greater. [40 CFR 60.254(a)]
- b. Refer to **Section D** for source-wide PM₁₀ emission limitations and compliance.

Compliance Demonstration Method:

- a. In determining initial compliance with the opacity standards under 40 CFR 60, Subpart Y, the permittee shall use, as directed by 40 CFR 60.255(a) and 40 CFR 60.257(a), U.S. EPA Reference Method 9 of Appendix A-4 of 40 CFR part 60, and the procedures as described in 40 CFR 60.11. [40 CFR 60.255(a) and 40 CFR 60.257(a)]
- b. In demonstrating continuing compliance with the opacity standards under 40 CFR 60, Subpart Y, refer to **4. Specific Monitoring Requirements.**

3. Testing Requirements:

- a. The permittee must conduct all performance tests required by 40 CFR 60.8 to demonstrate compliance with the applicable emission standards using the methods identified in 40 CFR 60.257. [40 CFR 60.255(a)]
- b. Method 9 of appendix A-4 of 40 CFR 60 and the procedures in 40 CFR 60.11 must be used to determine opacity, with the exceptions specified in 40 CFR 60.257(a)(1)(i) and (ii). [40 CFR 60.257(a)(1)]
 - 1) The duration of the U.S. EPA Method 9 of Appendix A-4 performance test shall be 1 hour (ten 6-minute averages). [40 CFR 60.257(a)(1)(i)]

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

- 2) If, during the initial 30 minutes of the observation of a U.S. EPA Method 9 of appendix A-4 performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes. [40 CFR 60.257(a)(1)(ii)]
- c. To determine opacity for fugitive coal dust emissions sources, the additional requirements in 40 CFR 60.257(a)(2)(i) through (iii) must be used. [40 CFR 60.257(a)(2)]
 - 1) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back. [40 CFR 60.257(a)(2)(i)]
 - 2) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction. [40 CFR 60.257(a)(2)(ii)]
 - 3) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission. [40 CFR 60.257(a)(2)(iii)]
- d. A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in 40 CFR 60.257(a)(3)(i) through (iii) are met. [40 CFR 60.257(a)(3)]
 - 1) No more than three emission points may be read concurrently. [40 CFR 60.257(a)(3)(i)]
 - 2) All three emissions points must be within a 70-degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points. [40 CFR 60.257(a)(3)(ii)]
 - 3) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point. [40 CFR 60.257(a)(3)(iii)]
- e. Testing shall be conducted at such times as may be requested by the Cabinet. [401 KAR 50:045, Section 1]

4. Specific Monitoring Requirements:

The permittee shall perform a qualitative visual observation of the opacity of emissions no less frequently than daily while the affected facility is operating. If visible emissions from the control device are observed (not including condensed water in the plume), then 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]

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

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain a log of the qualitative visual observations made as specified in **4. Specific Monitoring Requirements** including the date, time, initials of observer, whether any emissions were observed (yes/no), and any U.S. EPA Reference Method 9 readings taken. [401 KAR 52:030, Section 10]
- b. Refer to **Section D**

6. Specific Reporting Requirements:

- a. Refer to **Section F**
- b. Refer to **Section D**

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

| EP | Name | Capacity (tons/hr) | Construction Date | Control Device |
|------|---|-----------------------|------------------------------|---|
| 0103 | Receiving Hopper (Raw Coal Truck Dump) (BS-01) | 1000 | 6/1/1992 | Enclosed (Metal Building- Like Structure) |
| 0104 | Screen (Single-Deck Scalping) (SS-01) | 1000 | 8/1/2004 | |
| 0105 | Primary Crusher (CR-01) | 1000 | 6/1/1992 | |
| 0106 | Conveyor and Transfer Points (Raw Coal) (BC-01) | 1000 | | |
| 0110 | Truck Loadout (Raw Coal) (TP-73) | 1000 | 8/1/2004 | |
| 0111 | Receiving Hopper (Raw Coal) (BS-13) | 1000 | | |
| 0112 | Primary Crusher (CR-05) | 1000 | | |
| 0113 | Conveyor and Transfer Points (Raw Coal) (BC-28) | 1000 | | |
| 0114 | Conveyor and Transfer Points (Radial Stacker, Raw Coal) (BC-29) | 1000 | | |
| 0115 | Receiving Hopper (Truck Dump Stoker Coal) (BS-14) | 1000 | | |
| 0116 | Conveyor and Transfer Points (Plant Feed, Raw Coal) (BC-02) | 1000 | 6/1/1992 | Enclosed (Metal Cover) |
| 0121 | Conveyor and Transfer Points (Refuse Belt) (BC-26) | 450 | | |
| 0122 | Storage Bin (Refuse) (BS-11) | 450 | | |
| 0123 | Truck Loadout (Refuse) (TP-69) | 450 | | |
| 0124 | Conveyor and Transfer Points (Fines Belt) (BC-03) | 1000 | | |
| 0125 | Conveyor and Transfer Points (Stoker Coal) (BC-04) | 1000 | | Enclosed (Metal Building- Like Structure) |
| 0126 | Storage Bin (Fines) (BS-02) | 1000 | | |
| 0127 | Truck Loadout (Fines) (TP-13) | 1000 | | |
| 0128 | Storage Bin (Fines) (BS-03) | 1000 | | |
| 0129 | Truck Loadout (Fines) (TP-13) | 1000 | | |
| 0130 | Storage Bin (Surge) (BS-04) | 1000 | | |
| 0131 | Truck Loadout (TP-13) | 1000 | | |
| 0132 | Storage Bin (Surge) (BS-05) | 1000 | | |
| 0133 | Truck Loadout (TP-13) | 1000 | | |
| 0134 | Conveyor and Transfer Points (Stocker) (BC-05) | 1000 | Enclosed (Metal Cover) | |

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

| EP | Name | Capacity (tons/hr) | Construction Date | Control Device |
|------|--|-----------------------|----------------------|---|
| 0135 | Storage Bin (Stocker) (BS-06) | 1000 | 6/1/1992 | Enclosed (Metal Building- Like Structure) |
| 0136 | Truck Loadout (Stocker) (TP-18) | 1000 | | |
| 0137 | Conveyor and Transfer Points (Clean Coal) (BC-06) | 1000 | | Enclosed (Metal Cover) |
| 0138 | Weigh Bin (BS-07) | 1000 | | Enclosed (Metal Building- Like Structure) |
| 0139 | Conveyor and Transfer Points (Clean Coal) (BC-07) | 1000 | | Enclosed (Metal Cover) |
| 0140 | Conveyor and Transfer Points (Clean Coal) (BC-08) | 1000 | | |
| 0141 | Conveyor and Transfer Points (Stockpile Feed) (BC-09) | 1550 | | |
| 0142 | Truck Loadout (Stocker Coal) (TP-37) | 1000 | 8/1/2004 | Enclosed (Metal Building- Like Structure) |
| 0143 | Receiving Hopper (Stocker Coal Truck Dump) (BS-08) | 1000 | 6/1/1992 | Enclosed (Metal Cover) |
| 0144 | Conveyor and Transfer Points (Clean Coal Screen Feed) (BC-15) | 1000 | | Enclosed (Metal Building- Like Structure) |
| 0145 | Screen (Grizzly) (SS-02) | 1000 | | |
| 0146 | Screen (Triple-Deck) (SS-03) | 1000 | | |
| 0147 | Screen (Double-Deck) (SS-04) | 1000 | | |
| 0148 | Primary Crusher (CR-02) | 1000 | | |
| 0149 | Primary Crusher (CR-03) | 1000 | | Enclosed (Metal Cover) |
| 0150 | Conveyor and Transfer Points (Clean Coal) (BC-16) | 1000 | | |
| 0151 | Conveyor and Transfer Points (Stockpile Feed) (BC-17) | 1000 | | |
| 0153 | Conveyor and Transfer Points (Stockpile Feed) (BC-18) | 1000 | | |
| 0154 | Conveyor and Transfer Points (Stockpile Feed) (BC-11) | 1550 | | |
| 0155 | Conveyor and Transfer Points (Stockpile Feed) (BC-13) | 1550 | | |
| 0158 | Conveyor and Transfer Points (Tunnel | 4800 | | |

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

| EP | Name | Capacity (tons/hr) | Construction Date | Control Device |
|------|---|-----------------------|----------------------|---|
| | Belt) (BC-19) | | | |
| 0159 | Conveyor and Transfer Points (Clean Coal) (BC-20) | 4800 | 6/1/1992 | |
| 0160 | Conveyor and Transfer Points (Tunnel Belt) (BC-21) | 4800 | | |
| 0161 | Conveyor and Transfer Points (Loadout Feed) (BC-22) | 4800 | | |
| 0162 | Railcar Loadout Bin #1 (TP-57) | 4800 | | Enclosed (Metal Building-Like Structure) |
| 0163 | Railcar Loadout #1 (TP-58) | 4800 | 6/1/1992 | Enclosed (Metal Cover) |
| 0201 | Raw Coal Stacking Tube Silo (ST-1) | 1550 | 6/1/1992 | Enclosed (Standpipe) |
| 0202 | Clean Coal Stacking Tube Silo (ST-2) | 1550 | | |
| 0203 | Clean Coal Stacking Tube Silo (ST-3) | 1550 | | |
| 0204 | Clean Coal Stacking Tube Silo (ST-4) | 1550 | | |
| 0205 | Clean Coal Stacking Tube Silo (ST-5) | 1550 | | |
| 0602 | Receiving Hopper (Raw Coal Truck Dump) (BS-15) | 1000 | 8/1/2004 | Enclosed (Metal Building-Like Structure) |

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**APPLICABLE REGULATIONS:****401 KAR 59:010, New process operations****401 KAR 60:005 Section 2(2)(gg), 40 C.F.R. 60.250 through 60.258 (Subpart Y), Standards of Performance for Coal Preparation and Processing Plants****1. Operating Limitations:**

Not Applicable

2. Emission Limitations:

- a. The permittee shall not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 20 percent opacity or greater. [40 CFR 60.254(a)]
- b. The permittee shall not cause, suffer, allow or permit any continuous emission into the open air from a control device or stack associated with any affected facility which is equal to or greater than twenty (20) percent opacity. [401 KAR 59:010, Section 3(1)(a)]
- c. For emissions from a control device or stack the permittee shall not cause, suffer, allow or permit the emission into the open air of particulate matter from any affected facility which is in excess of the quantity specified in 401 KAR 59:010, Appendix A: [401 KAR 59:010, Section 3(2)]
 - 1) For $P \leq 0.5$ ton/hr: $E = 2.34$
 - 2) For P from 0.5 ton/hr to 30 ton/hr: $E = 3.59P^{0.62}$
 - 3) For $P > 30$ ton/hr: $E = 17.31P^{0.16}$Where:
 E = rate of emission in lb/hr and;
 P = process weight rate in tons/hr
- d. Refer to **Section D** for source-wide PM_{10} emission limitations and compliance.

Compliance Demonstration Method:

- a. In determining initial compliance with the opacity standard under 40 CFR 60, Subpart Y, the permittee shall use, as directed by 40 CFR 60.255(a) and 40 CFR 60.257(a), U.S. EPA Method 9 of Appendix A-4 of 40 CFR part 60, and the procedures as described in 40 CFR 60.11. [40 CFR 60.255(a) and 40 CFR 60.257(a)]
- b. In demonstrating continuing compliance with the opacity standards under 40 CFR 60, Subpart Y, refer to **4. Specific Monitoring Requirements**.
- c. The permittee is assumed to be in compliance with 401 KAR 59:010 opacity standard when complying with the opacity limit of 40 CFR 60, Subpart Y.
- d. The permittee is assumed to be in compliance with the PM emission limit, when the control device is operating and properly maintained. Refer to **4. Specific Monitoring**

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Requirements.****3. Testing Requirements:**

- a. The permittee must conduct all performance tests required by 40 CFR 60.8 to demonstrate compliance with the applicable emission standards using the methods identified in 40 CFR 60.257. [40 CFR 60.255(a)]
- b. Method 9 of appendix A-4 of 40 CFR 60 and the procedures in 40 CFR 60.11 must be used to determine opacity, with the exceptions specified in 40 CFR 60.257(a)(1)(i) and (ii). [40 CFR 60.257(a)(1)]
 - 1) The duration of the U.S. EPA Method 9 of Appendix A-4 of 40 CFR 60 performance test shall be 1 hour (ten 6-minute averages). [40 CFR 60.257(a)(1)(i)]
 - 2) If, during the initial 30 minutes of the observation of a U.S. EPA Method 9 of appendix A-4 of 40 CFR 60 performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes. [40 CFR 60.257(a)(1)(ii)]
- c. To determine opacity for fugitive coal dust emissions sources, the additional requirements in 40 CFR 60.257(a)(2)(i) through (iii) must be used. [40 CFR 60.257(a)(2)]
 - 1) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back. [40 CFR 60.257(a)(2)(i)]
 - 2) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction. [40 CFR 60.257(a)(2)(ii)]
 - 3) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission. [40 CFR 60.257(a)(2)(iii)]
- d. A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in 40 CFR 60.257(a)(3)(i) through (iii) are met. [40 CFR 60.257(a)(3)]
 - 1) No more than three emission points may be read concurrently. [40 CFR 60.257(a)(3)(i)]
 - 2) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points. [40 CFR 60.257(a)(3)(ii)]
 - 3) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point. [40 CFR 60.257(a)(3)(iii)]
- e. Testing shall be conducted at such times as may be requested by the Cabinet. [401 KAR 50:045, Section 1]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**4. Specific Monitoring Requirements:**

The permittee shall perform a qualitative visual observation of the opacity of emissions from the outlet of the control device no less frequently than daily while the affected facility is operating. If visible emissions from the control device are observed (not including condensed water in the plume), then 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]

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain a log of the qualitative visual observations made as specified in **4. Specific Monitoring Requirements** including the date, time, initials of observer, whether any emissions were observed (yes/no), and any U.S. EPA Reference Method 9 readings taken. [401 KAR 52:030, Section 10]
- b. Refer to **Section D**

6. Specific Reporting Requirements:

- a. Refer to **Section F**
- b. Refer to **Section D**

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

| EP* | Name | Capacity (tons/hr) | Construction Date |
|------|---------------------------------------|-----------------------|----------------------|
| 0206 | Stockpile (Open) (Clean Coal) (OS-6) | 1550 | 8/1/2004 |
| 0207 | Stockpile (Open) (Raw Coal) (OS-8) | | |
| 0208 | Stockpile (Open) (Raw Coal) (OS-9) | 1000 | |
| 0209 | Stockpile (Open) (Raw Coal) (OS-10) | | |
| 0701 | Stockpile (Open) (Clean Coal) (OS-11) | 560 | |
| 0501 | Haul Road (Unpaved - 1.25 miles) | 1000 | 6/1/1992 |

***Controlled by Dust Suppression**

APPLICABLE REGULATIONS:

401 KAR 63:010, Fugitive Emissions

1. Operating Limitations:

- a. A person shall not cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished; or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Reasonable precautions shall include, as applicable: [401 KAR 63:010, Section 3(1)]
 - 1) Use, if possible, of water or suitable chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land; [401 KAR 63:010, Section 3(1)(a)]
 - 2) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces, which can create airborne dusts; [401 KAR 63:010, Section 3(1)(b)]
 - 3) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations. [401 KAR 63:010, Section 3(1)(c)]
 - 4) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; [401 KAR 63:010, Section 3(1)(d)]
 - 5) The maintenance of paved roadways in a clean condition; or [401 KAR 63:010, Section 3(1)(e)]
 - 6) The prompt removal of earth or other material from a paved street to which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water. [401 KAR 63:010, Section 3(1)(f)]
- b. If dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the secretary may, based on the cause, type, or amount of a fugitive emission, order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air. [401 KAR 63:010, Section 3(3)]

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

- c. At all times while in motion, open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered. [401 KAR 63:010, Section 4(1)]
- d. A person shall not cause, suffer, or allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. [401 KAR 63:010, Section 4(3)]

2. Emission Limitations:

A person shall not cause, suffer, or allow visible fugitive dust emissions beyond the lot line of the property on which the emissions originate, as determined by U.S. EPA Reference Method 22 of Appendix A in 40 C.F.R. Part 60, for: [401 KAR 63:010, Section 3(2)]

- a. More than five (5) minutes of emission time during any sixty (60) minute observation period; or [401 KAR 63:010, Section 3(2)(a)]
- b. More than twenty (20) minutes of emission time during any twenty-four (24) hour period. [401 KAR 63:010, Section 3(2)(b)]

3. Testing Requirements:

Testing shall be conducted at such times as may be requested by the Cabinet. [401 KAR 50:045, Section 1]

4. Monitoring Requirements:

- a. The permittee shall monitor the reasonable precautions taken to prevent particulate matter from becoming airborne on a daily basis. [401 KAR 52:040, Section 10]
- b. If fugitive dust emissions beyond the lot line of the property are observed, the permittee shall conduct U.S. EPA Reference Method 22 (visual determination of fugitive emissions) observations per Appendix A of 40 C.F.R. Part 60. In lieu of conducting U.S. EPA Reference Method 22, the permittee shall immediately perform a corrective action which results in no visible fugitive dust emissions beyond the lot line of the property. [401 KAR 52:040, Section 10]

5. Recordkeeping Requirements:

- a. The permittee shall maintain a log of the reasonable precautions taken to prevent particulate matter from becoming airborne, on a daily basis. Notation of the operating status, down-time, or relevant weather conditions are acceptable for entry to the log. [401 KAR 52:040, Section 10]

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

- b. The permittee shall maintain a log of the following:
 - 1) Any Reference U.S. EPA Method 22 performed and field records identified in U.S. EPA Reference Method 22.
 - 2) Any corrective action taken and the results.

6. Reporting Requirements:

Refer to **Section F**

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, 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.

DescriptionGenerally Applicable Regulation

None

None

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. Particulate matter (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.

The permittee shall keep source wide emissions of PM₁₀ no greater than ninety (90) tons during any consecutive twelve (12) month period.

Compliance Demonstration Method:

Compliance with the annual limit is based on a rolling twelve months total. Source-wide PM₁₀ emissions are determined by the calculated sum of PM₁₀ emissions from all emission points listed in the permit besides those only subject to 401 KAR 63:010. Source-wide emissions shall be calculated on a monthly basis and added to the previous eleven months emissions to get a total of actual emissions for each consecutive twelve (12) month period.

Sourcewide PM Emissions (Tons)

$$= \sum \text{Monthly Unit PM Emissions(Tons)} + \text{Previous 11 months}$$

Source-wide PM emissions are determined by the calculated sum of PM emissions from the emission points listed below:

(EP 0101 – EP 0106, EP 0110 – EP 0116, EP 0121 – EP 0151, EP 0153 – EP 0155, EP 0158 – EP 0163, EP 0201 – EP 0205, EP 0601 – EP 0602)

Monthly Unit PM Emissions (Tons) = [Monthly unit processing rate x Emission Factor/2000] x (1 – control efficiency)

Emission Factor = determined from DAQ Minerals Emission Factors Worksheet (See table below)

Control efficiency = determined by the following control device types (See also table below):

- 1) Wet Suppression – 90%
- 2) Minimum Drop Height – 80%
- 3) Enclosed (Metal Building-Like Structure) – 70%
- 4) Enclosed (Metal Cover) – 90%
- 5) Enclosed (Standpipe) – 90%

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

| EP | PM Emission Factors | Control Device/ Control Efficiency |
|---|--|---|
| Truck Dump: 0101 | PT = 0.0004 lb/ton PM ₁₀ = 0.0002 lb/ton | Wet Suppression – 90% |
| Loadout: 0102 | PT = 0.0003 lb/ton PM ₁₀ = 0.0003 lb/ton | Wet Suppression – 90% |
| Loadout: 0601 | PT = 0.0003 lb/ton PM ₁₀ = 0.0003 lb/ton | Minimum Drop Height – 80% |
| Receiving Hoppers: 0103, 0111, 0115, 0143, 0602 | PT = 0.0004 lb/ton PM ₁₀ = 0.0002 lb/ton | Enclosed (Metal Building-Like Structure) – 70% |
| Loadouts: 0110, 0123, 0127, 0129, 0131, 0133, 0136, 0142 | PT = 0.0003 lb/ton PM ₁₀ = 0.0003 lb/ton | Enclosed (Metal Building-Like Structure) – 70% |
| Crushers: 0105, 0112, 0148, 0149 | PT = 0.0002 lb/ton PM ₁₀ = 0.0002 lb/ton | Enclosed (Metal Building-Like Structure) – 70% |
| Stacking Tubes: 0201, 0202, 0203, 0204, 0205 | PT = 0.02 lb/ton PM ₁₀ = 0.02 lb/ton | Enclosed (Standpipe) – 90% |
| Conveyors: 0106, 0113, 0114, 0116 | PT = 0.0003 lb/ton PM ₁₀ = 0.0003 lb/ton | Enclosed (Metal Building-Like Structure) – 70% |
| Conveyors: 0121, 0124, 0125, 0134, 0137, 0139, 0140, 0141, 0144, 0150, 0155, 0158, 0159, 0160, 0161 | PT = 0.0003 lb/ton PM ₁₀ = 0.0003 lb/ton | Enclosed (Metal Cover) – 90% |
| Screens: 0104, 0145, 0146, 0147 | PT = 0.0003 lb/ton PM ₁₀ = 0.0003 lb/ton | Enclosed (Metal Building-Like Structure) – 70% |
| Bins: 0122, 0126, 0128, 0130 | PT = 0.02 lb/ton PM ₁₀ = 0.02 lb/ton | Enclosed (Metal Building-Like Structure) – 70% |

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

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

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 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

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

- 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 Division for Air Quality, Hazard Regional Office, 1332 S. KY HWY 15, Suite 100, Hazard, KY 41701.
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)].

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 52:030, 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.

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 52:030, 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

No construction is authorized by Permit F-24-033.

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

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.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- 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 (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