AIR QUALITY PERMIT
Issued under 401 KAR 52:020

Permittee Name: C & R Asphalt, LLC
Mailing Address: 415 Rebmann Lane
Lexington KY 40504

Source Name: C & R Asphalt, LLC
Mailing Address: 415 Rebmann Lane
Lexington KY 40504

Source Location: 415 Rebmann Lane

Permit: V-22-018
Agency Interest: 5026
Activity: APE20210002
Review Type: Title V, Construction/Operating
Source ID: 21-067-00188

Regional Office: Frankfort Regional Office
300 Sower Boulevard, 1st Floor
Frankfort, KY 40601
(502) 564-3358

County: Fayette

Application Complete Date: May 18 2022
Issuance Date:
Expiration Date:

For Michael J. Kennedy, P.E.
Director
Division for Air Quality
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>SECTION</th>
<th>ISSUANCE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. PERMIT AUTHORIZATION</td>
<td>INITIAL</td>
<td>1</td>
</tr>
<tr>
<td>B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS AND OPERATING CONDITIONS</td>
<td>INITIAL</td>
<td>2</td>
</tr>
<tr>
<td>C. INSIGNIFICANT ACTIVITIES</td>
<td>INITIAL</td>
<td>10</td>
</tr>
<tr>
<td>D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS</td>
<td>INITIAL</td>
<td>11</td>
</tr>
<tr>
<td>E. SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS</td>
<td>INITIAL</td>
<td>12</td>
</tr>
<tr>
<td>F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS</td>
<td>INITIAL</td>
<td>13</td>
</tr>
<tr>
<td>G. GENERAL PROVISIONS</td>
<td>INITIAL</td>
<td>16</td>
</tr>
<tr>
<td>H. ALTERNATE OPERATING SCENARIANS</td>
<td>INITIAL</td>
<td>22</td>
</tr>
<tr>
<td>I. COMPLIANCE SCHEDULE</td>
<td>INITIAL</td>
<td>22</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Permit Type</th>
<th>Activity#</th>
<th>Complete Date</th>
<th>Issuance Date</th>
<th>Summary of Action</th>
</tr>
</thead>
<tbody>
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<td>V-22-018</td>
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<td>APE20210002</td>
<td>05/18/2022</td>
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<td>Initial</td>
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*Version: 1/26/2021*
SECTION A - PERMIT AUTHORIZATION

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

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

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING

Description: 49 bhp, 35kW, Diesel, Non-Emergency Engine for the ACI

<table>
<thead>
<tr>
<th>Emission Unit</th>
<th>Facility ID</th>
<th>Operating Rate</th>
<th>Primary Fuel</th>
<th>Construction Commenced</th>
<th>Manufacturer / Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>ACI Engine</td>
<td>49 hp (3.7 gal/hr)</td>
<td>Diesel</td>
<td>2021</td>
<td>Hatz / 3H50TIC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>[Emissions certified US EPA Tier 4 FINAL]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(Three-cylinder Turbo Diesel Engine)</td>
</tr>
</tbody>
</table>

APPLICABLE REGULATIONS:
401 KAR 60:005, Section 2(2)(dddd), 40 CFR 60.4200 through 60.4219, Tables 1 through 8 (Subpart IIII), Standards of Performance for Stationary Compression ignition (CI) Internal Combustion engine

401 KAR 63:002, Section 2(4)(ceee), 40 CFR 63.6580 through 63.6675, Tables 1a through 8, and Appendix A (Subpart ZZZZ), National Emissions 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 requirements of 40 CFR 60, Subpart IIII. No further requirements apply to the engine under 40 CFR Part 63. [40 CFR 63.6590(c) and (c)(1)]

   b) 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)].

   c) The permittee shall meet the emissions limitations under 40 CFR 60.4204 over the entire life of the engine [40 CFR 60.4206].

   d) The permittee shall do all of the following:
      i) Operate and maintain the 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 [40 CFR 60.4211(a)(2)]; and
      iii) Meet the requirements of 40 CFR part 1068, as they apply [40 CFR 60.4211(a)(3)]

   e) If the permittee does not install, configure, operate, and maintain the engine and control device according to the manufacturer's emission-related written instructions, or the permittee changes emission-related settings in a way that is not permitted by the manufacturer, the permittee shall demonstrate compliance as follows [40 CFR 60.4211(g)]: keep a maintenance plan and records of conducted maintenance and shall, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, if the permittee does not install and configure the engine and control device according to the manufacturer’s emission-related written instruction, or change the emission-related settings in a way that is not permitted by the manufacturer, the permittee shall 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)]

2. **Emission Limitations:**
   a) The permittee who conduct performance tests in-use shall meet the not-to-exceed standards as indicated in 40 CFR 60.4212 [40 CFR 60.4204(d)].
   
   b) The permittee shall comply with the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 1039.102, 1039.104, 1039.105, 1039.107, and 1039.115 and 40 CFR Part 1039 Appendix I, as applicable for all pollutants, for the same model year and maximum engine power.

3. **Testing Requirements:**
   a) Testing shall be conducted at such times as may be requested by the cabinet in accordance with 401 KAR 50:045, Section 4 [401 KAR 50:045, Section 1].
   
   b) If the permittee conducts performance tests to demonstrate compliance with 40 CFR 60, Subpart III, the performance test shall be conducted according 40 CFR 60.4212(a) through (e) [40 CFR 60.4212]

4. **Specific Monitoring Requirements:**
   The permittee shall monitor the amount of fuel used and the hours of operation on a monthly basis [401 KAR 52:020, Section 10].

5. **Specific Recordkeeping Requirements:**
   a) The permittee shall maintain records of the amount of fuel burned and the hours of operation on a monthly basis [401 KAR 52:020, Section 10].
   
   b) If the engine is equipped with a diesel particulate filter, the permittee shall maintain records of any corrective action taken after the backpressure monitor has notified the permittee that high backpressure limit of the engine has been approached [40 CFR 60.4214(c)].

6. **Specific Reporting Requirements:**
   a) If the engine is equipped with AECDs the permittee shall, pursuant to the requirements of 40 CFR 1039.665, report the use of AECDs as required by 40 CFR 1039.665(e) [40 CFR 60.4214(e)].
   
   b) See Section F - Monitoring, Recordkeeping, and Reporting Requirements
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Description: Air Curtain Incinerator (ACI), Model S223, Avg. Through-put (7 - 9 ton/hr)

<table>
<thead>
<tr>
<th>Emission Unit</th>
<th>Facility ID</th>
<th>Operating Rate</th>
<th>Primary Fuel</th>
<th>Construction Commenced</th>
<th>Control</th>
<th>Manufacturer / Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>02</td>
<td>ACI</td>
<td>3.2 tons/hour</td>
<td>100% wood solid waste (limbs, bark, shrubs, etc) that cannot be mulched</td>
<td>2021</td>
<td>Air Curtain (inherent device)</td>
<td>Air Burners / S223 (Tier 4 Final)</td>
</tr>
</tbody>
</table>

APPLICABLE REGULATIONS:
401 KAR 59:020, New incinerators;

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

NON-APPLICABLE REGULATION:
401 KAR 60:005, Section 2(2)(cccc) 40 CFR 60.2880 through 60.2977, Tables 1 through 4 (Subpart EEEE), Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006, as published July 1, 2020

STATE-ORIGIN REQUIREMENTS:
401 KAR 63:020, Potentially hazardous matter or toxic substances.

1. Operating Limitations:
   a) The permittee shall not charge more than 28,032 ton/yr of feed on rolling 12 month total basis. [401 KAR 52:020, Section 10]

   b) The permittee shall only burn the materials listed in 40 CFR 60.2245 (b)(1) through (3). The permittee is required to meet only the requirements in 40 CFR 60.2242 (operating an air permit under Section 129(e) and Title V of the Clean Air Act) and 40 CFR 60.2245 through 40 CFR 60.2260 and is exempt from all other requirements of 40 CFR 60, Subpart CCCC [40 CFR 60.2245(b)].
      i) 100 percent wood waste, which is defined as untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings [40 CFR 60.2245(b)(1) and 40 CFR 60.2265, wood waste]; or
      ii) 100 percent clean lumber, which is defined as wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote, or manufactured wood products that contain adhesives or resins (e.g., plywood, particle board,
flake board, and oriented strand board) [40 CFR 60. 2245(b)(2) and 40 CFR 60.2265, clean lumber]; or
iii) 100 percent mixture of only wood waste, clean lumber, and/or yard waste [40 CFR 60.2245(b)(3)].

c) The permittee 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]. The blower generating the air curtain shall remain on to ensure that material does not flame or cause smoke [401 KAR 50:055, Section 2(5)].

d) Material shall not be added in such a manner as to be stacked above the air curtain [401 KAR 50:055, Section 2(5)]. An operator shall remain with the air curtain incinerator at all times when it is operating [401 KAR 50:055, Section 2(5)].

2. Emission Limitations:
   a) Opacity shall not exceed the following limitations
      i) 10 percent, based on the average of three 1-hour blocks consisting of ten 6-minute average opacity values, except as during startup as specified in 40 CFR 60.2250(b) [40 CFR 60.2250(a)], and
      ii) 35 percent, based on an average of three 1-hour blocks consisting of ten 6-minute average opacity values, during the startup period that is within the first 30 minutes of operation [40 CFR 60.2250(b)].
      iii) 20 percent opacity [401 KAR 59:020 Section 3(1)].

Compliance Demonstration:
1. Compliance with 2. Emission Limitations (a)(i) and (ii) shall be demonstrated according to 3. Testing Requirements (a) and (b).

2. Compliance with 2. Emission Limitations (a)(iii) shall be demonstrated according to 4. Specific Monitoring Requirements (b).

More than 500 lb/hr and up to including 45 metric tons/day:
b) The permittee of an affected facility of 500 lb/hr up to and including 45 metric tons per day charging rate (50 tons/day) commenced on or after June 6, 1979 shall not cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.23 g/dscm (one-tenth (0.1) gr/dscf) corrected to 12 percent carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel [401 KAR 59:020, Section 3(2)(a)].

Compliance Demonstration:
Compliance is demonstrated by properly operating and maintaining the Air Curtain Incinerator according to the manufacturer’s recommendations.

More than 45 metric tons/day

c) On and after the date on which the performance test required to be conducted by 401 KAR 59:005 is completed, the permittee of an affected facility of more than 45 metric tons per day charging
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

rate (50 tons/day) shall not cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.18 g/dscm (0.08 gr/dscf) corrected to twelve (12) percent carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel [401 KAR 59:020, Section 3(3)].

**Compliance Demonstration:**
See 3. **Testing Requirements:** (c). The permittee shall comply with the requirements for affected facilities of “more than 500 lb/hr and up to including 45 metric tons/day” until such time at which the unit operates at rates of greater than 45 metric tons/day, if applicable.

3. **Testing Requirements:**
   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 conduct an initial test for opacity, using U.S. EPA Reference Method 9, as specified in 40 CFR 60.8 for the limits specified in 40 CFR 60.2250(a) and (b) [40 CFR 60.2250 and 60.2255(b)].

   b) The permittee shall conduct annual tests no more than 12 calendar months following the date of the most recent test [40 CFR 60.2255(c)].

**More than 45 metric tons/day**

3) 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 and at such other times as may be required by the cabinet, the owner or operator of any affected facility except those affected facilities specified below shall conduct performance test(s) according to 401 KAR 50:045 and furnish the cabinet a written report of the results of such performance test(s) [401 KAR 59:005, Section 2(1)].

4. **Specific Monitoring Requirements:**
   a) The permittee shall monitor on a weekly basis the hours of operation, the location of the incinerator at all times, the daily charging rate, and the type and quantity of material burned [401 KAR 52:020, Section 10].

   b) The permittee shall perform daily qualitative visual observations of opacity of emissions when the unit is in operation. If visible emissions from the stack are observed (not including condensed water in the plume), the permittee shall determine the opacity using Reference Method 9. If visible emissions from the stack are observed (not including condensed water in the plume), the permittee shall determine the opacity using Reference Method 9. [401 KAR 52:020, Section 10].

5. **Specific Recordkeeping Requirements:**
   a) Prior to construction of the air curtain incinerator, the permittee shall submit notification of [40 CFR 60.2260(a)]:
      i) Intent to construct the air curtain incinerator [40 CFR 60.2260(a)(1)].
      ii) The planned initial startup date [40 CFR 60.2260(a)(2)].
      iii) The type of material the permittee plans to burn [40 CFR 60.2260(a)(3)].
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

b) 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 requires, unless the Administrator approves another format, for at least 5 years [40 CFR 60.2260(b)].

c) The permittee shall make all records available for submittal to the Administrator or for an inspector’s review [40 CFR 60.2260(c)].

d) The permittee shall record the daily charging rates and hours of operation along with 12-month rolling total of the charged feed [401 KAR 59:020, Section 4 and 401 KAR 52:020, Section 10].

e) The permittee shall maintain a log of the daily qualitative visual observations conducted, including the date, time, initials of observer, whether any emissions were observed (yes/no), and any Method 9 readings taken, and any other actions taken to reduce opacity [401 KAR 52:020, Section 10].

6. **Specific Reporting Requirements:**
   a) The permittee shall submit the results (each 6-minute average) of the initial opacity tests no later than 60 days following the initial test. The permittee shall submit annual opacity test results within 12 months following the previous report [40 CFR 60.2260(d)].

b) The permittee shall submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date [40 CFR 60.2260(e)].

c) The permittee shall keep a copy of the initial and annual reports on site for a period of 5 years [40 CFR 60.2260(f)].

d) See **Section F – Monitoring Recordkeeping and Reporting Requirements.**
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Description: 1,000 gallon gasoline storage tank and dispensing facility that dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine.

<table>
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<tr>
<th>Emission Unit</th>
<th>Facility ID</th>
<th>Fuel</th>
<th>Tank Capacity</th>
<th>Max. Throughput</th>
</tr>
</thead>
<tbody>
<tr>
<td>03</td>
<td>T101</td>
<td>Gasoline</td>
<td>1,000 gallons</td>
<td>0.0137 Mgal/hr</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>120.0 Mgal/yr</td>
</tr>
</tbody>
</table>

APPLICABLE REGULATIONS:
401 KAR 63:002, Section 2(4)dddd 40 CFR 63.11110 through 63.11132, Tables 1 to 3 (Subpart CCCCCC), National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities

1. Operating Limitations:
   a) The permittee shall, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source [40 CFR 63.11115(a)].
   b) The permittee shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following [40 CFR 63.11116(a)]:
      i) Minimize gasoline spills [40 CFR 63.11116(a)(1)];
      ii) Clean up spills as expeditiously as practicable [40 CFR 63.11116(a)(2)];
      iii) Cover all open gasoline containers and all gasoline storage fill-pipes with a gasket seal when not in use [40 CFR 63.11116(a)(3)];
      iv) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators [40 CFR 63.11116(a)(4)].

Compliance Demonstration:
The permittee shall state in the annual compliance report required by Section F Monitoring, Recordkeeping and Reporting Requirements, item 9, that the gasoline storage tank has been maintained in accordance with 1. Operating Limitations: (b).

c) Portable gasoline containers that meet the requirement of 40 CFR 59, Subpart F, are considered acceptable for compliance with 40 CFR 63.11116(a)(3) [40 CFR 63.11116(d)].

d) If the gasoline throughput equals or exceeds 10,000 gallons per month, the gasoline storage tank will be subject to the requirements for gasoline throughput equal to or greater than 10,000 gallons per month, even if the gasoline throughput later falls below the 10,000 gallon per month threshold [40 CFR 63.11111(i)].

Compliance Demonstration:
The permittee shall demonstrate compliance according to 5. Specific Recordkeeping Requirements (a) and (b).
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. **Emission Limitations:**
   N/A

3. **Testing Requirements:**
   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 monitor gasoline throughput on a monthly basis [401 KAR 52:020, Section 10].

5. **Specific Recordkeeping Requirements:**
   a) The permittee shall maintain records of gasoline throughput on a monthly basis and shall have records available within 24 hours of a request by the Administrator to document gasoline throughput [401 KAR 52:020, Section 10; 40 CFR 63.11111(e); and 40 CFR 63.11116(b)].
   
   b) Should gasoline throughput equal or exceed 10,000 gallons in one month, the permittee shall [40 CFR 63.11124]:
      i) Submit an Initial Notification at the time the gasoline storage tank becomes subject to the control requirements in 40 CFR 63.11117. The Initial Notification shall be submitted to the applicable EPA Regional Office and DAQ Regional Office, and shall contain the following information [40 CFR 63.11124 (a)(1)]:
         A) Name and address of the permittee [40 CFR 63.11124 (a)(1)(i)];
         B) Address (i.e., physical location) of the facility [40 CFR 63.11124 (a)(1)(ii)]; and
         C) A statement that the notification is being submitted in response to 40 CFR 63, Subpart CCCCCC and identifying the requirements in 40 CFR 63.11117 that apply to the facility [40 CFR 63.11124 (a)(1)(iii)].
      ii) Submit a Notification of Compliance Status to the applicable EPA Regional Office and DAQ Regional Office within 60 days of the applicable compliance date. The Notification of Compliance Status shall be signed by a responsible official who shall certify its accuracy, indicate whether the source has complied with the requirements of 40 CFR 63, Subpart CCCCCC, and indicate whether the facilities’ monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. If the facility is in compliance with the requirements of 40 CFR 63, Subpart CCCCCC at the time the Initial Notification is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains all information required for the Initial Notification [40 CFR 63.11124(a)(2)].

6. **Specific Reporting Requirements:**
   a) The permittee shall submit a Notification of Performance Test prior to initiating testing required by 40 CFR 63, Subpart CCCCCC on gasoline cargo tanks or gasoline storage tanks [40 CFR 63.11124(b)(4)].
   
   b) See Section F – Monitoring, Recordkeeping, and Reporting Requirements.
SECTION C - INSIGNIFICANT ACTIVITIES

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

<table>
<thead>
<tr>
<th>Insignificant Activities</th>
<th>Facility ID</th>
<th>Description</th>
<th>Generally Applicable Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>IA01</td>
<td>1,000 gal Off Road Diesel Tank (Cahill Drive)</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>IA02</td>
<td>1,000 gal Off Road Diesel Tank (Rebmann Lane)</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>IA03</td>
<td>1,500 gal ULSD Tank (Rebmann Lane)</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>IA04</td>
<td>Two(2) Trane Heaters (0.125 MMBtu/hr each)</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

2. Particulate matter, opacity, nitrogen oxides, and carbon monoxide 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.
SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

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

1. Pursuant to Section 1b-IV-1 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
   a. Date, place as defined in this permit, and time of sampling or measurements;
   b. Analyses performance dates;
   c. Company or entity that performed analyses;
   d. Analytical techniques or methods used;
   e. Analyses results; and
   f. Operating conditions during time of sampling or measurement.

2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five (5) years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b-IV-2 and 1a-8 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
   a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
   b. To access and copy any records required by the permit:
   c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.
   Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020, Section 23. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.

7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
   a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
   b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.

8. The permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken shall be submitted to the Regional Office listed on the front of this permit. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement does not identify a specific time frame for reporting deviations, prompt reporting, as required by Sections 1b-V, 3 and 4 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26, shall be defined as follows:
   a. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
   b. For emissions of any regulated air pollutant, excluding those listed in F.8.a., that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
   c. All deviations from permit requirements, including those previously reported, shall be included in the semiannual report required by F.6.

9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
   a. Identification of the term or condition;
   b. Compliance status of each term or condition of the permit;
   c. Whether compliance was continuous or intermittent;
   d. The method used for determining the compliance status for the source, currently and over the reporting period.
SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

f. The certification shall be submitted by January 30th of each year. Annual compliance certifications shall be sent to the following addresses:

- Division for Air Quality
- Frankfort Regional Office
- 300 Sower Boulevard, 1st Floor
- Frankfort, KY 40601

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

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within 30 days of the date the KYEIS emission survey is mailed to the permittee.
SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements
   a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

   b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

   c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
      (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
      (2) The Cabinet or the United States Environmental Protection Agency (U.S. EPA) determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
      (3) The Cabinet or the U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
      (4) New requirements become applicable to a source subject to the Acid Rain Program.

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

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

   e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].
f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

i. All emission limitations and standards contained in this permit shall be enforceable as a practical matter. All emission limitations and standards contained in this permit are enforceable by the U.S. EPA and citizens except for those specifically identified in this permit as state-origin requirements. [Section 1a-15 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3) b.].

l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

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

n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3) d.].

o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3) a.].

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.
SECTION G - GENERAL PROVISIONS (CONTINUED)

q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
   (1) Applicable requirements that are included and specifically identified in the 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 months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].

   b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020, Section 8(2)].

3. Permit Revisions
   a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the State Implementation Plan (SIP) or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).

   b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements
   Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, Emission Units 01, 02, and 03, in accordance with the terms and conditions of this permit V-22-018.

   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.

   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 52:020, 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. 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 52:020, 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.

f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

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
SECTION G - GENERAL PROVISIONS (CONTINUED)

Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.

c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

b. The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NOx compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.


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

(1) An emergency occurred and the permittee can identify the cause of the emergency;
(2) The permitted facility was at the time being properly operated;
(3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
(4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.1-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
(5) This requirement does not relieve the source of other local, state or federal notification requirements.

b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].

c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].
8. **Ozone Depleting Substances**
   a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
      (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
      (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
      (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
      (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
      (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
      (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
   b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

   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
NA

SECTION I - COMPLIANCE SCHEDULE
NA