

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

Draft

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

Permittee Name: Cumberland Cooperage, LLC dba Robinson Stave
Mailing Address: 1812 Hwy 3434
East Bernstadt, KY 40729

Source Name: Cumberland Cooperage, LLC dba Robinson Stave
Mailing Address: 1812 Hwy 3434
East Bernstadt, KY 40729

Source Location: East Bernstadt

Permit: V-25-014
Agency Interest: 2591
Activity: APE20240004
Review Type: Title V, Operating
Source ID: 21-125-00073

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

County: Laurel

**Application
Complete Date:** May 1, 2025
Issuance Date:
Expiration Date:

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

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Permit	Permit Type	Activity #	Complete Date	Issuance Date	Summary of Action
V-25-014	Renewal	APE20240004	5/1/2025		Permit Renewal

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, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit: 11

Wood-Fired Indirect Heat Exchangers

Description:

EU	Unit Name	Model	Rated Capacity (MMBtu/hr)	Control Device	Construction Commenced
11	Wood-fired Indirect Heat Exchanger	Superior Boiler Works, Inc. #4-X-1506	8.7	Multicyclone (95% efficiency)	August 2015

APPLICABLE REGULATIONS:

401 KAR 59:015, *New indirect heat exchangers*

401 KAR 63:002, Section 2(4)(jjjjj), 40 CFR 63.11193 through 63.11237, Tables 1 through 8 (**Subpart JJJJJJ**), *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*

1. Operating Limitations:

- a. During a startup or a shutdown period, the permittee shall meet the work practice standards established in 40 C.F.R. Part 63, Table 2 to Subpart JJJJJJ, as established in 401 KAR 63:002, Section 2(4)(jjjjj). [401 KAR 59:015, Section 7 and Section 7(2)(c)]:
- b. The permittee shall achieve compliance with the provisions of 40 CFR 63, Subpart JJJJJJ upon startup of each affected source [40 CFR 63.11196(c)].
- c. At all times the permittee must operate and maintain each 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. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by the standards of 40 CFR 63, Subpart JJJJJJ have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source [40 CFR 63.11205(a)].
- d. The permittee shall conduct a tune-up of the boiler biennially, no more than 25 months after the previous tune-up, to demonstrate continuous compliance as specified in the following [40 CFR 62.11223(b)]:
 - i. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may delay the burner inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection) [40 CFR 63.11223(b)(1)].
 - ii. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available [40 CFR 63.11223(b)(2)]

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

- iii. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection) [40 CFR 63.11223(b)(3)].
- iv. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specification, if available, and with any nitrogen oxide requirement to which the unit is subject [40 CFR 63.11223(b)(4)].
- v. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer [40 CFR 63.11223(b)(5)].
- vi. Maintain on-site and submit, if requested by the Administrator, a report containing the following information [40 CFR 63.11223(b)(6)]:
 - (1) The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler [40 CFR 63.11223(b)(6)(i)].
 - (2) A descriptions of any corrective actions taken as a part of the tune-up of the boiler [40 CFR 63.11223(b)(6)(ii)].
 - (3) The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit [40 CFR 63.11223(b)(6)(iii)].
- vii. If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup [40 CFR 63.11223(b)(7)].
- e. The permittee shall limit operation of EU 11 to an amount, based upon the most recent emission factors approved by the Division, which would not cause an exceedance of the CO emission limitations taken by the permittee to preclude 401 KAR 51:017 when considered in aggregate with emissions from other non-fugitive sources [Preclude 401 KAR 51:017 and 51:001, Section 1(118)(a)2.b.].

2. Emission Limitations:

- a. Particulate matter (PM) emissions shall not exceed 0.51 lb/MMBtu from EU 11 [401 KAR 59:015, Section 4(1)(c)].

Compliance Demonstration:

The unit is assumed to be in compliance with the applicable 401 KAR 59:015 PM standard while the corresponding control devices are in operation.

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

- b. Visible emissions shall not exceed 20 percent opacity except [401 KAR 59:015, Section 4(2)]:
 - i. A maximum of 40 percent opacity shall be allowed for a maximum of 6 consecutive minutes in any 60 consecutive minutes during fire box cleaning or soot blowing [401 KAR 59:015, Section 4(2)(b)]; and
 - ii. For emissions from an affected facility caused by building a new fire, emissions during the period required to bring the boiler up to operating conditions shall be allowed, if the method used is recommended by the manufacturer and the time does not exceed the manufacturer's recommendations [401 KAR 59:015, Section 4(2)(c)].

Compliance Demonstration:

Compliance shall be demonstrated according to **4. Specific Monitoring Requirements** b. and **5. Specific Recordkeeping Requirements** e.

- c. Sulfur dioxide (SO₂) emissions shall not exceed 4.22 lb/MMBtu from EU 11 [401 KAR 59:015, Section 5(1)(c)3.b.].

Compliance Demonstration:

The unit is assumed to be in compliance with the applicable 401 KAR 59:015 SO₂ standard while combusting wood.

3. Testing Requirements:

Testing shall be conducted at such times as may be requested by the Cabinet [401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1].

4. Specific Monitoring Requirements:

- a. The permittee shall monitor the amount of wood combusted in the boiler (in tons) on a monthly basis [401 KAR 52:020, Section 10].
- b. The permittee shall perform a qualitative visual observation of the opacity of emissions from the boiler's stack no less frequently than every seven calendar days while the affected facility is operating. If visible emissions from the stack are observed (not including condensed water in the plume), the permittee shall determine the opacity using U.S. EPA Reference Method 9. In lieu of determining the opacity using U.S. EPA Reference Method 9, the permittee shall immediately perform a corrective action which results in no visible emissions (not including condensed water in the plume) [401 KAR 52:020, Section 10].

5. Specific Recordkeeping Requirements:

- a. The permittee shall prepare, by March 1 of each year, and submit to the delegated authority upon request, an annual compliance certification report for the previous calendar year containing the information specified in 40 CFR 63.11225(b)(1) through (4). The permittee shall submit the report by March 15 if there was any instance described by 40 CFR 63.11225(b)(3). For boilers that are subject only to the energy assessment requirement and/or a requirement to conduct a biennial or 5-year tune-up according to 40 CFR 63.11223(a) and not subject to emission limits or operating limits, the permittee may

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

prepare only a biennial or 5-year compliance report as specified in 40 CFR 63.11225(b)(1) and (2) [40 CFR 63.11225(b)].

- b. The permittee shall maintain the records specified in 40 CFR 63.11225(c)(1) through (7) [40 CFR 63.11225(c)].
 - i. As required in 40 CFR 63.10(b)(2)(xiv), the permittee shall keep a copy of each notification and report that was submitted to comply with 40 CFR 63, Subpart JJJJJ and all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted [40 CFR 63.11225(c)(1)].
 - ii. The permittee shall keep records to document conformance with the work practices, emission reduction measures, and management practices required by 40 CFR 63.11214 and 63.11223 as specified in 40 CFR 63.11225(c)(2)(i) through (vi). Records shall identify each boiler, the date of tune-up, the procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned [40 CFR 63.11225(c)(2)(i)].
 - iii. Records of the occurrence and duration of each malfunction of the boiler, or of the associated air pollution control and monitoring equipment [40 CFR 63.11225(c)(4)].
 - iv. Records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in 40 CFR 63.11205(a), including corrective actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation [40 CFR 63.11225(c)(5)].
- c. Records shall be in a form suitable and readily available for expeditious review. The permittee shall keep each record for 5 years following the date of each recorded action. The permittee shall keep each record on-site or be accessible from a central location by computer or other means that instantly provide access at the site for at least 2 years after the date of each recorded action. The permittee may keep the records off site for the remaining 3 years [40 CFR 63.11225(d)].
- d. The permittee shall maintain records of the amount of wood combusted (in tons) on a monthly basis [401 KAR 52:020, Section 10].
- e. The permittee shall maintain a log of any qualitative visual observations of emissions from the stack, any corrective actions performed and any U.S. EPA Reference Method 9 readings performed [401 KAR 52:020, Section 10].
- f. See **Section F – Monitoring, Recordkeeping, and Reporting Requirements** for additional requirements.

6. Specific Reporting Requirements:

- a. The permittee shall submit the notifications specified in 40 CFR 63.11225(a)(1) through (5) to the administrator [40 CFR 63.11225(a)].

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

- i. The permittee shall submit all of the notifications in 40 CFR 63.7(b); 63.8(e) and (f); and 63.9(b) through (e), (g), and (h) that apply by the dates specified in those sections except as specified in 40 CFR 63.11225(a)(2) and (4) [40 CFR 63.11225(a)(1)].
- ii. An Initial Notification shall be submitted no later than January 20, 2014 or within 120 days after the source becomes subject to the standard [40 CFR 63.11225(a)(2)].
- b. See **Section F – Monitoring, Recordkeeping, and Reporting Requirements** for additional requirements.

7. Specific Control Equipment Operating Conditions:

- a. The control device shall be operated to maintain compliance with permitted emission limitations, in accordance with the manufacturer's specifications and standard operating practices [401 KAR 50:055, Section 2].
- b. The permittee shall maintain records regarding the maintenance of the control equipment [401 KAR 52:020, Section 10].
- c. See **Section E – Source Control Equipment Requirements** for additional requirements.

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

Emission Units: 01-19; 08-01; 08-02; 08-24; 08-08; 08-12; and 08-25

Non-Fugitive Wood Operations

Description:

EU	Unit Name	Rated Capacity (tons/hr)	Control Device	Control Device Efficiency	Location	Construction Commenced
01-19	Stave Mill 1 Woodworking Operations	63.7 (7.96 MBft/hr)	Cyclone 01	90% (PM) 80% (PM10) 60% (PM2.5)	Stave Mill 1	2020
08-01	Cooperage Woodworking Operations 01	12.58	Baghouse (Filter 04)	98%	EBC2	2017
08-02	Cooperage Woodworking Operations 02	11.78	Baghouse (Filter 04)	98%	EBC2	2017
08-24	Cooperage Woodworking Operations 03	3.43	Baghouse (Filter 08)	98%	EBC2	2024
08-08	Cooperage Woodworking Operations 04	10.47	Cyclone 06	95%	EBC2	2017
08-12	Chipper 04	2.36	Cyclone 05 & Baghouse (Filter 05)	95%	EBC2	2017
08-25	Wood Waste Hog	10.0 (1.25 MBft/hr)	Cyclone 08 & Baghouse (Filter 08)	98%	EBC2	2024

APPLICABLE REGULATION:

401 KAR 59:010, New process operations

1. Operating Limitations:

N/A

2. Emission Limitations:

- a. No person shall 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 20 percent opacity [401 KAR 59:010, Section 3(1)(a)].

Compliance Demonstration:

For compliance with 401 KAR 59:010 opacity standards, see **4. Specific Monitoring Requirements** b. and **5. Specific Recordkeeping Requirements** b.

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

- b. PM emissions shall not exceed the following limitations [401 KAR 59:010, Section 3(2)]:

P = Process Rate (tons/hr)	E = Particulate Matter Emissions Rate (lb/hr)
$P \leq 0.50$	$E = 2.34$
$0.50 < P \leq 30$	$E = 3.59 * P^{0.62}$
$P > 30$	$E = 17.31 P^{0.16}$

Compliance Demonstration:

Compliance with the applicable 401 KAR 59:010 PM standards are assumed while the control devices are in operation.

3. Testing Requirements:

Testing shall be conducted at such times as may be requested by the Cabinet [401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 4].

4. Specific Monitoring Requirements:

- The permittee shall monitor the amount of wood processed (in tons) through each emission unit on a monthly basis [401 KAR 52:020, Section 10].
- The permittee shall perform a qualitative visual observation of the opacity of emissions from each stack no less frequently than every seven calendar days while the affected facility is operating. If visible emissions from the stack are observed (not including condensed water in the plume), the permittee shall determine the opacity using U.S. EPA Reference Method 9. In lieu of determining the opacity using U.S. EPA Reference Method 9, the permittee shall immediately perform a corrective action which results in no visible emissions (not including condensed water in the plume) [401 KAR 52:020, Section 10].

5. Specific Recordkeeping Requirements:

- The permittee shall maintain records of the amount of wood processed (in tons) through each emission unit on a monthly basis [401 KAR 52:020, Section 10].
- The permittee shall maintain a log of any qualitative visual observations of the emissions from the stack, any corrective actions performed and any U.S. EPA Reference Method 9 readings performed [401 KAR 52:020, Section 10].

6. Specific Reporting Requirements:

See **Section F – Monitoring, Recordkeeping, and Reporting Requirements** for general requirements.

7. Specific Control Equipment Operating Conditions:

- Control devices shall be operated to maintain compliance with permitted emission limitations, in accordance with manufacturer's specifications and standard operating practices [401 KAR 50:055, Section 2].
- The permittee shall maintain records regarding the maintenance of the control equipment [401 KAR 52:020, Section 10].
- See **Section E – Source Control Equipment Requirements** for additional requirements.

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

Emission Units: 08-04 and 08-07

Natural Gas-Fired Charring Operations

Description:

EU	Unit Name	Rated Capacity (tons/hr)	Rated Capacity (MMscf/hr)	Control Device	Location	Construction Commenced
08-04	Barrel Charring 02	6.31	0.0004	Fabric Filter & FGD (98% efficiency)	EBC2	2017
08-07	Head Charring 02	1.62	0.0001		EBC2	2017

* The rated capacity reflects a production rate of 182 barrels per hour. The tons/hr rate in the table above represents the total mass of these barrels.

APPLICABLE REGULATION:

401 KAR 59:010, *New process operations*

STATE-ORIGIN REQUIREMENT:

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

1. Operating Limitations:

The permittee shall limit operation of EUs 08-04 and 08-07 to an amount, based upon the most recent emission factors approved by the Division, which would not cause an exceedance of the CO emission limitations taken by the permittee to preclude 401 KAR 51:017 when considered in aggregate with emissions from other non-fugitive sources [Preclude 401 KAR 51:017 and 51:001, Section 1(118)(a)2.b.].

2. Emission Limitations:

- No person shall 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 20 percent opacity [401 KAR 59:010, Section 3(1)(a)].

Compliance Demonstration:

Compliance with the applicable 401 KAR 59:010 opacity standard shall be demonstrated according to **4. Specific Monitoring Requirements b.** and **5. Specific Recordkeeping Requirements b.**

- PM emissions shall not exceed the following limitations [401 KAR 59:010, Section 3(2)]:

P = Process Rate (tons/hr)	E = Particulate Matter Emissions Rate (lbs/hr)
$P \leq 0.5$	$E = 2.34$
$0.5 < P \leq 30$	$E = 3.59P^{0.62}$
$P > 30$	$E = 17.31P^{0.16}$

Compliance Demonstration:

Compliance with the applicable 401 KAR 59:010 PM standard is assumed based on the current AP-42, Table 1.6-1 emission factor.

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

- c. Persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the cabinet. [401 KAR 63:020, Section 3]

Compliance Demonstration:

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

3. Testing Requirements:

Testing shall be conducted at such times as may be requested by the Cabinet [401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1].

4. Specific Monitoring Requirements:

- a. The permittee shall monitor the number of barrels and barrel heads charred and the amount of natural gas combusted (in MMscf) on a monthly basis [401 KAR 52:020, Section 10].
- b. The permittee shall perform a qualitative visual observation of the opacity of emissions from each stack no less frequently than every seven calendar days while the affected facility is operating. If visible emissions from the stack are observed (not including condensed water in the plume), the permittee shall determine the opacity using U.S. EPA Reference Method 9. In lieu of determining the opacity using U.S. EPA Reference Method 9, the permittee shall immediately perform a corrective action which results in no visible emissions (not including condensed water in the plume) [401 KAR 52:020, Section 10].

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of the number of barrels and barrel heads charred and the amount of natural gas combusted (in MMscf) on a monthly basis [401 KAR 52:020, Section 10].
- b. The permittee shall maintain a log of any qualitative visual observations of the emissions from the stack, any corrective actions performed and any U.S. EPA Reference Method 9 readings performed [401 KAR 52:020, Section 10].

6. Specific Reporting Requirements:

See **Section F – Monitoring, Recordkeeping, and Reporting Requirements** for additional requirements.

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

7. Specific Control Equipment Operating Conditions:

- a. Control devices shall be operated to maintain compliance with permitted emission limitations, in accordance with manufacturer's specifications and standard operating practices [401 KAR 50:055, Section 2].
- b. The permittee shall maintain records regarding the maintenance of the control equipment [401 KAR 52:020, Section 10].
- c. See **Section E – Source Control Equipment Requirements** for additional requirements.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Units: 08-13, 08-23 and 08-18 Natural Gas-Fired Indirect Heat Exchangers****Description:**

EU	Unit Name	Rated Capacity (MMBtu/hr)	Location	Construction Commenced
08-13	EBC2 Boiler 01	1.34	EBC2	2017
08-23	EBC2 Boiler 02	1.34	EBC2	2017
08-18	EBC2 Boiler 03	5.25	EBC2	2021

APPLICABLE REGULATION:**401 KAR 59:015, *New indirect heat exchangers*****STATE-ORIGIN REQUIREMENT:****401 KAR 63:020, *Potentially hazardous matter or toxic substances*****NON-APPLICABLE REGULATION:****401 KAR 63:002, Section 2(4)(jjjjj), 40 CFR 63.11193 to 63.11237, Tables 1 to 8 (Subpart JJJJJJ), *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*****1. Operating Limitations:**

During a startup or a shutdown period, the permittee shall comply with the following work practice standards [401 KAR 59:015, Section 7(1)]:

- a. The permittee shall comply with 401 KAR 50:055, Section 2(5) [401 KAR 59:015, Section 7(1)(a)];
- b. The frequency and duration of startup periods or shutdown periods shall be minimized by the affected facility [401 KAR 59:015, Section 7(1)(b)];
- c. All reasonable steps shall be taken by the permittee to minimize the impact of emissions on ambient air quality from the affected facility during startup periods and shutdown periods [401 KAR 59:015, Section 7(1)(c)].
- d. The actions, including duration of the startup periods, of the permittee of each emission unit during startup periods and shutdown periods, shall be documented by signed, contemporaneous logs or other relevant evidence [401 KAR 59:015, Section 7(1)(d)].
- e. Startups and shutdowns shall be conducted according to either the manufacturer's recommended procedures or recommended procedures for a unit of similar design, for which manufacturer's recommended procedures are available, as approved by the Cabinet based on documentation provided by the permittee of the affected facility [401 KAR 59:015, Section 7(1)(e)1. and 7(1)(e)2.].

Compliance Demonstration:

Compliance shall be demonstrated according to **5. Specific Recordkeeping Requirements** a.

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

- f. The permittee shall limit operation of EUs 08-13, 08-23, and 08-18 to an amount, based upon the most recent emission factors approved by the Division, which would not cause an exceedance of the CO emission limitations taken by the permittee to preclude 401 KAR 51:017 when considered in aggregate with emissions from other non-fugitive sources [Preclude 401 KAR 51:017 and 51:001, Section 1(118)(a)2.b.].

2. Emission Limitations:

- a. PM emissions shall not exceed 0.49 lb/MMBtu for EUs 8-13 and 08-23 and 0.48 lb/MMBtu for EU 08-18 [401 KAR 59:015, Section 4(1)(c)].
- b. Visible emissions shall not exceed 20 percent opacity except [401 KAR 59:015, Section 4(2)]:
 - i. A maximum of 40 percent opacity shall be allowed for a maximum of 6 consecutive minutes in any 60 consecutive minutes during fire box cleaning or soot blowing [401 KAR 59:015, Section 4(2)(b)]; and
 - ii. For emissions from an affected facility caused by building a new fire, emissions during the period required to bring the boiler up to operating conditions shall be allowed, if the method used is recommended by the manufacturer and the time does not exceed the manufacturer's recommendations [401 KAR 59:015, Section 4(2)(c)].
- c. SO₂ emissions shall not exceed 3.0 lb/MMBtu [401 KAR 59:015, Section 5(1)(c)2.a.].

Compliance Demonstration:

These units are assumed to be in compliance with the applicable 401 KAR 59:015 PM, opacity and SO₂ standards while combusting natural gas.

- d. Persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the cabinet. [401 KAR 63:020, Section 3]

Compliance Demonstration:

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

3. Testing Requirements:

Testing shall be conducted at such times as may be requested by the Cabinet [401 KAR 59:005, Section 2(2) and 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 monitor the amount of natural gas combusted (in MMscf) on a monthly basis [401 KAR 52:020, Section 10].

5. Specific Recordkeeping Requirements:

a. The permittee shall keep records of the manufacturer's recommended procedures for startup and shutdown, any instance in which the recommended procedures were not followed, and any corrective actions taken. [401 KAR 52:020, Section 10]

b. The permittee shall maintain records of the amount of natural gas combusted (in MMscf) on a monthly basis [401 KAR 52:020, Section 10].

6. Specific Reporting Requirements:

See **Section F – Monitoring, Recordkeeping, and Reporting Requirements** for general requirements.

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

Emission Units: 01-13; 01-14; 01-17; 01-18; and 13

Fugitive Wood Operations

Description:

EU	Unit Name	Rated Capacity (tons/hr)	Control Device	Location	Construction Commenced
01-13	Stave Mill 1 Debarker	69.2 (8.65 MBft/hr)	Dust Suppression	Stave Mill 1	2020
01-14	Stave Mill 1 Bull Saw	63.68	Dust Suppression	Stave Mill 1	2020
01-17	Stave Mill 1 Chipper	16.56	Dust Suppression	Stave Mill 1	2020
01-18	Stave Mill 1 Chipper Stockpile	16.56	Dust Suppression	Stave Mill 1	2020
13	Dust Yard Grinder	7.06	Dust Suppression	Wood Particle Processing	2010
	Dust Yard Stockpile	7.06	Dust Suppression	Wood Particle Processing	1983

APPLICABLE REGULATION:

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)]
 - i. 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;
 - ii. Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;
 - iii. 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.
 - iv. Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
 - v. The maintenance of paved roadways in a clean condition; or

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

- vi. The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.
- 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)]
- 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 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
- b. More than twenty (20) minutes of emission time during any twenty-four (24) hour period.

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:

- a. The permittee shall monitor the reasonable precautions taken to prevent particulate matter from becoming airborne on a daily basis [401 KAR 52:020, Section 10].
- b. If fugitive dust emissions beyond the lot line of the property are observed, the permittee shall conduct 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 52:020, Section 10].
- c. The permittee shall monitor the material processed (in tons) for each unit on a monthly basis [401 KAR 52:020, 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 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 52:020, Section 10].
- b. The permittee shall maintain a log of the following: [401 KAR 52:020, Section 10]
 - i. Qualitative fugitive emissions observations conducted (if any) including the date, time, initials of observer, whether any fugitive dust emissions were observed,
 - ii. Any Reference Method 22 performed and field records identified in Reference Method 22.
 - iii. Any corrective action taken and the results.
- c. The permittee shall maintain records of the material processed (in tons) on a monthly basis [401 KAR 52:020, Section 10].

6. Specific Reporting Requirements:

See **Section F – Monitoring, Recordkeeping, and Reporting Requirements** for general 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.

EP	Description	Generally Applicable Regulation
01-15	Stave Mill 1 Debarker Stockpile	401 KAR 63:010
01-16	Stave Mill 1 Dust Stockpile	401 KAR 63:010
03-09	8 Lumber Kilns (Boiler Building)	401 KAR 59:010
07	Gas Metal Arc Welding (Plant-wide)	401 KAR 59:010
08	Yard Area/Haul Road (Plant-wide)	401 KAR 63:010
08-05	EBC2 Heat Tunnel with 16 direct fired NG burners rated at 0.25 MMBtu/hr each	401 KAR 63:020
08-16	EBC2 Steam Tunnel 01	N/A
08-17	EBC2 Steam Tunnel 02	N/A
08-26	EBC2 Sawdust Loadout 1	401 KAR 63:010
08-27	EBC2 Sawdust Loadout 2	401 KAR 63:010
09-02	Outdoor Wood Particle Handling	401 KAR 63:010
14-01	2,000-Gallon Off-Road Diesel Fuel Storage Tank	N/A
14-02	10,000-Gallon On-Road Diesel Fuel Storage Tank	N/A
14-03	550-Gallon Diesel Exhaust Fluid Storage Tank	N/A
14-04	10,000-Gallon On-Road Diesel Fuel Storage Tank	N/A
08-19	Vycar 660X14 PVC/PVDC EMULSION Coating Application	401 KAR 63:010 and 401 KAR 63:020
EP18	Eight Natural Gas-Fired Indirect Space Heaters rated (0.2 MMBtu/he. Each)	401 KAR 59:010 and 401 KAR 63:020
11-02	Boiler Blowdown Water Evaporator (50 Gal)	401 KAR 59:010; 401 KAR 63:020
09-03	Portable Buck Saw	401 KAR 63:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Opacity, particulate matter, and sulfur dioxide emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. To preclude the applicability 401 KAR 51:017, the permittee shall limit source-wide non-fugitive emissions of CO to less than 225 tons per year on a 12-month rolling total.

Compliance Demonstration:

Compliance shall be demonstrated by calculating the monthly and 12-month rolling total CO emissions from all non-fugitive emissions sources and maintaining records of the monthly and 12-month rolling total CO emissions from these sources. Monthly CO emissions for these sources shall be calculated using the most recent emission factors approved by the Division. 12-month rolling total emissions for each semiannual period will be reported in accordance with Section F – Monitoring, Recordkeeping, and Reporting Requirements, item 5.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

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

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

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

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

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

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

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

Division for Air Quality
London Regional Office
875 S. Main Street
London, KY 40741

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

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

SECTION G - GENERAL PROVISIONS**1. General Compliance Requirements**

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

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

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

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

2. Permit Expiration and Reapplication Requirements

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

3. Permit Revisions

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

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

No construction authorized by this permit (V-25-014).

SECTION G - GENERAL PROVISIONS (CONTINUED)

- 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

SECTION G - GENERAL PROVISIONS (CONTINUED)

protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least thirty (30) days prior to the test.

- b. Pursuant to 401 KAR 50:045, Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

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

7. Emergency Provisions

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

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 82.155.

(5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156 and 40 CFR 82.157.

(6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

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

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

SECTION I - COMPLIANCE SCHEDULE

N/A