

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

Draft

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: Diversified Midstream LLC
Mailing Address: 414 Summers Street
Charleston, WV 25301

Source Name: Right Beaver compressor Station
Mailing Address: 414 Summers Street
Charleston, WV 25301

Source Location: 2505 KY 7, Dema, KY 41859

Permit ID: F-26-007
Agency Interest #: 44061
Activity ID: APE20250001
Review Type: Conditional Major, Operating
Source ID: 21-119-00030

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

County: Knott

**Application
Complete Date:** February 19, 2026
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
F-26-007	Renewal	APE20250001	02/19/2026		Renewal with addition of Promax Process Simulation Software as an alternate to GRI-GLYCalc Software.

SECTION A - PERMIT AUTHORIZATION

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

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

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

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**EP003 (EP-03) 2 Stroke Lean Burn (2SLB) Reciprocating Compressor Engine #3****Description:**

Model	Cooper Bessemer GMVH-8C2
Primary Fuel:	Natural Gas
Power Output:	1,600 hp
Max Operating Rate:	0.0083 mmscf/hr @ 1386.71 Btu/scf
Construction Date:	January 1993

APPLICABLE REGULATIONS:

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

1. Operating Limitations:

- a. The permittee of an existing non-emergency, non-black start 2SLB stationary RICE located at an area source of HAP emissions, must comply with the following: [40 CFR 63.6603(a) and Item 6. in Table 2d to 40 CFR 63, Subpart ZZZZ]
 - i. Change oil and filter every 4,320 hours of operation or within 1 year + 30 days of the previous change, whichever comes first; [Item 6.a. in Table 2d to 40 CFR 63, Subpart ZZZZ]
 - ii. Inspect spark plugs every 4,320 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and [Item 6.b. in Table 2d to 40 CFR 63, Subpart ZZZZ]
 - iii. Inspect all hoses and belts every 4,320 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary. [Item 6.c. in Table 2d to 40 CFR 63, Subpart ZZZZ]
- b. The permittee must be in compliance with the emission limitations, operating limitations, and other requirements in 40 CFR 63, Subpart ZZZZ that apply at all times. [40 CFR 63.6605(a)]
- c. At all times the permittee must 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. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. 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 63.6605(b)]
- d. The permittee must operate and maintain their stationary RICE and after-treatment control devices (if any) according to the manufacturer's emission-related written instructions or develop their own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engines in a manner consistent with good air pollution control practice for minimizing emissions.[40 CFR 63.6625(e)(5)]

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

- e. The permittee must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engines, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Table 2d to 40 CFR 63, Subpart ZZZZ apply. [40 CFR 63.6625(h)]

Compliance Demonstration Method:

- (i) The permittee must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Table 2d to 40 CFR 63, Subpart ZZZZ according to methods specified in Item 9. in Table 6 to 40 CFR 63, Subpart ZZZZ as follows: [40 CFR 63.6640(a)]
 - (1) Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or [Item 9.a.i. in Table 6 to 40 CFR 63, Subpart ZZZZ]
 - (2) Develop and follow the permittee's own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engines in a manner consistent with good air pollution control practice for minimizing emissions. [Item 9.a.ii. in Table 6 to 40 CFR 63, Subpart ZZZZ]

- (ii) See **5. Specific Recordkeeping Requirements.**

2. Emission Limitations:

None

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 has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d to 40 CFR 63, Subpart ZZZZ. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2d to 40 CFR 63, Subpart ZZZZ. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine's permittee is not required to change the oil. If any of the limits are exceeded, the engine's permittee must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine's permittee must change the oil within 2 business days or before commencing operation, whichever is later. The permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [40 CFR 63.6625(j)]
- b. The permittee shall monitor the amount of natural gas used (mmscf) on a monthly basis. [401 KAR 52:030, Section 10]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**5. Specific Recordkeeping Requirements:**

- a. The permittee must keep the records required in Table 6 of 40 CFR 63, Subpart ZZZZ to show continuous compliance with each emission or operating limitation that applies. [40 CFR 63.6655(d)]
- b. The permittee shall keep records of the maintenance conducted on the emission unit to demonstrate that the permittee operated and maintained the stationary RICE and aftertreatment control device (if any) according to the permittee's own maintenance plan. [40 CFR 63.6655(e)]
- c. The permittee shall maintain records in a form suitable and readily available for expeditious review according to 40 CFR 63.10(b)(1). The permittee shall keep each record, readily accessible in hard copy or electronic format, for five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.6660]
- d. The permittee shall maintain records of the amount of natural gas used (mmscf) on a monthly basis. [401 KAR 52:030, Section 10]

6. Specific Reporting Requirements:

- a. The permittee must report each instance in which the permittee did not meet each operating limitation in Table 2d to 40 CFR 63, Subpart ZZZZ that apply. These instances are deviations from the emission and operating limitations in 40 CFR 63, Subpart ZZZZ. These deviations must be reported according to the requirements in 40 CFR 63.6650. [40 CFR 63.6640(b)]
- b. The permittee must also report each instance in which the permittee did not meet the requirements in Table 8 to 40 CFR 63, Subpart ZZZZ that apply. [40 CFR 63.6640(e)]
- c. The permittee shall submit all of the notifications in 40 CFR 63.7(b) and (c), 63.8(e) (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply by the dates specified. [40 CFR 63.6645(a)]
- d. Beginning on February 26, 2025 for the annual report specified in 40 CFR 63.6650(h) and February 26, 2025 or one year after the report becomes available in CEDRI, whichever is later for all other semiannual or annual reports, submit all semiannual and annual subsequent compliance reports using the appropriate electronic report template on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/cedri>) for this subpart and following the procedure specified in 40 CFR 63.9(k), except any CBI must be submitted according to the procedures in 40 CFR 63.6645(h). The date report templates become available will be listed on the CEDRI website. Unless the Administrator or delegated state agency or other authority has approved a different schedule for submission of reports, the report must be submitted by the deadline specified in 40 CFR 63, Subpart ZZZZ, regardless of the method in which the report is submitted. [40 CFR 63.6650(i)]

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

EP004 (EP-04) TulPro Glycol System

(EP-04(01)) Natural Gas Triethylene Glycol (TEG) Dehydrator

Description:

Installation Date: January 1993
 Maximum Operating Rate: 25 mmscf/day (2,322.56 thousand cubic meters/day)
 Control Device: Flare (EP-04(03)), 95% Control Efficiency

(EP-04(02)) Reboiler

Description:

Primary Fuel: Natural Gas
 Reboiler Capacity: 1.25 mmBtu/hr
 Control Device: None

(EP-04(03)) Flare

Description:

Flare Pilot Capacity: 0.407 mmBtu/hr

APPLICABLE REGULATIONS:

401 KAR 63:002, Section 2(4)(x), 40 C.F.R. 63.760 through 63.777, Appendix (**Subpart HH**), *National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities*.

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

401 KAR 63:015, *Flares*.

STATE-ORIGIN REQUIREMENTS:

401 KAR 63:020, *Potentially hazardous matter or toxic substances*. (EP-04(02) only)

1. Operating Limitations:

- a. To preclude the applicability of 401 KAR 52:020, emissions from the TEG Dehydration Unit (EP-04(01)) shall be vented to the flare (EP-04(03)) at all times. [401 KAR 52:030, Section 10]

Compliance Demonstration Method:

See 4. **Specific Monitoring Requirements** b.

- b. For the TEG Dehydration Unit (EP-04(01)), the permittee of an area source is exempt from the requirements of 40 CFR 63.764(d) if the criteria listed below are met: [40 CFR 63.764(e)(1)]
 - i. The actual annual average flowrate of natural gas to the glycol dehydration unit is less than 85 thousand standard cubic meters per day, as determined by the procedures specified in 40 CFR 63.772(b)(1); or [40 CFR 63.764(e)(1)(i)]
 - ii. The actual average emissions of benzene from the glycol dehydration unit process vent to the atmosphere are less than 0.90 megagram per year (1.0 tpy), as determined by the procedures specified in 40 CFR 63.772(b)(2). [40 CFR 63.764(e)(1)(ii)]

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

See **5. Specific Recordkeeping Requirements** b.

- c. For the reboiler (EP-04(02)), during a startup period or shutdown period, the permittee shall comply with the work practice standards established in 401 KAR 59:015, Section 7. [401 KAR 59:015, Section 7]
 - i. The permittee shall comply with 401 KAR 50:055, Section 2(5); [401 KAR 59:015, Section 7(1)(a)]
 - ii. 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)]
 - iii. 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)]
 - iv. The actions, including duration of the startup period, of the permittee during startup and shutdown periods, shall be documented in signed, contemporaneous logs or other relevant evidence; [401 KAR 59:015, Section 7(1)(d)]
 - v. Startups and shutdowns shall be conducted according to either: [401 KAR 59:015, Section 7(1)(e)]
 - 1. The manufacturer's recommended procedures; or [401 KAR 59:015, Section 7(1)(e)1.]
 - 2. 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. [401 KAR 59:015, Section 7(1)(e)2.]

Compliance Demonstration Method:

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

2. Emission Limitations:

- a. See **1. Operating Limitations** b. for emission limitations for the TEG Dehydrator (EP-04(01)).
- b. Refer to **Section D** for source wide pollutant emission limitations.
- c. For the reboiler (EP-04(02)), the permittee shall not cause emissions of particulate matter in excess of 0.56 lb/MMBtu actual heat input. [401 KAR 59:015, Section 4(1)(a)]
- d. For the reboiler (EP-04(02)), the permittee shall not cause emissions of particulate matter in excess of 20 percent opacity, except: [401 KAR 59:015, Section 4(2)]
 - i. A maximum of forty (40) percent opacity shall be allowed for a maximum of six (6) consecutive minutes in any sixty (60) consecutive minutes during fire box cleaning or soot blowing; and [401 KAR 59:015, Section 4(2)(b)]
 - 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)]

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

- e. For the reboiler (EP-04(02)), the permittee shall not cause emissions of gases that contain sulfur dioxide in excess of 3.0 lb/MMBtu actual heat input. [401 KAR 59:015, Section 5(1)(a)]

Compliance Demonstration Method:

Compliance with the 401 KAR 59:015 emission standards is assumed. [401 KAR 50:045, Section 4(3)(c)1.]

- f. For the reboiler (EP-04(02)), the permittee 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. The permittee shall not allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the cabinet. [401 KAR 63:020, Section 3]

Compliance Demonstration Method:

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

- g. For the flare (EP-04(03)), the permittee shall not cause, suffer, or allow the emission into the open air of particulate matter from any flare which is greater than twenty (20) percent opacity for more than three (3) minutes in any one (1) day. [401 KAR 63:015, Section 3]

Compliance Demonstration Method:

(i) The flare shall be designed and operated to continuously meet the requirements of 40 CFR 63.11(b)(1) through (8). [401 KAR 52:030, Section 10]

(ii) See 4. Specific Monitoring Requirements a. and b.

3. Testing Requirements:

Performance 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. For the flare (EP-04(03)), the permittee shall perform a qualitative visual observation of the opacity of emissions at the flare no less than once per month while the flare is operating. If visible emissions from the flare are observed (not including condensed water in the plume), the permittee shall determine the opacity using Reference Method 9. In lieu of determining the opacity using U.S. EPA Method 9, the permittee shall immediately perform a corrective action which results in no visible emissions (not including condensed water in the plume). [401 KAR 52:030, Section 10]
- b. For the flare (EP-04(03)), the permittee shall install and maintain a thermocouple or any other equivalent device to monitor the presence of a pilot flame in the flare. [401 KAR 52:030, Section 10]

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

- c. For the reboiler (EP-04(02)), the permittee shall monitor the amount of natural gas combusted (MMscf) on a monthly basis. [401 KAR 52:030, Section 10]
- d. For the TEG Dehydration Unit (EP-04(01)), the permittee shall monitor the natural gas process rate through the dehydration unit on a monthly basis (MMscf). [401 KAR 52:030, Section 10]

5. Specific Recordkeeping Requirements:

- a. The permittee shall comply with the recordkeeping provisions of 40 CFR 63, Subpart A that apply to sources subject to 40 CFR 63, Subpart HH. The recordkeeping provisions of 40 CFR 63 Subpart A that apply and those that do not apply are listed in Table 2 of 40 CFR 63, Subpart HH. [40 CFR 63.774(a)]
- b. The permittee of a glycol dehydration unit that meets the exemption criteria in 40 CFR 63.764(e)(1)(i) or (ii) shall maintain the records specified in 40 CFR 63.774(d)(1)(i) or d(1)(ii), as appropriate for that glycol dehydration unit as follows: [40 CFR 63.774(d)(1)]
 - i. The actual annual average natural gas throughput (in terms of natural gas flowrate to the glycol dehydration unit per day) as determined in accordance with 40 CFR 63.772(b)(1), or [40 CFR 63.774(d)(1)(i)]
 - ii. The actual average benzene emissions (in terms of benzene emissions per year) as determined in accordance with 40 CFR 63.772(b)(2). [40 CFR 63.774(d)(1)(ii)]
 - 1. Pursuant to 40 CFR 63.772(b)(2)(i), the permittee shall determine actual average benzene emissions using the model GRI-GLYCalc™ Version 3.0 or higher, and the procedures presented in the associated GRI-GLYCalc™ Technical Reference Manual. Inputs to the model shall be representative of actual operating conditions of the dehydration unit and may be determined using the procedures documented in the Gas Research Institute (GRI) report entitled “Atmospheric Rich/Lean Method for Determining Glycol Dehydrator Emissions” (GRI-95/0368.1). [40 CFR 63.772(b)(2)(i)]
 - 2. As an alternative to GRI-GLYCalc™ Version 3.0 or higher, the permittee may use ALT-147 method located at <https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods> (approval date January 19, 2023) and subject to the caveats listed in that method. [401 KAR 52:030, Section 10]
- c. For the flare (EP-04(03)), the permittee shall record the following: [401 KAR 52:030, Section 10]
 - i. A log of the qualitative visual observations as specified in 4. Specific Monitoring Requirements including the date, time, initials of observer, whether any emissions were observed (yes/no), any Method 9 readings taken, and any corrective action taken including results due to observed emissions.
 - ii. All routine and non-routine maintenance activities performed on the flare.
- c. For the reboiler (EP-04(02)), the permittee shall maintain records of the amount of natural gas combusted (MMscf) on a monthly basis. [401 KAR 52:030, Section 10]
- d. For the reboiler (EP-04(02)), the permittee shall keep records of the manufacturer’s recommended procedures for startup and shutdown, any instance in which the

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

recommended procedures were not followed, and any corrective action taken. [401 KAR 52:030, Section 10]

- e. For the TEG Dehydration Unit (EP-04(01)), the permittee shall maintain records of the natural gas process rate through the dehydration unit on a monthly basis (MMscf). [401 KAR 52:030, Section 10]

6. Specific Reporting Requirements:

- a. For the TEG Dehydration Unit (EP-04(01)), the permittee of a TEG dehydration unit located at an area source that meets the criteria in 40 CFR 63.764(e)(1)(i) or 63.764 (e)(1)(ii) is exempt from the reporting requirements for area sources in 40 CFR 63.775(c)(1) through (7) for that unit. [40 CFR 63.775(c)(8)]
- b. Refer to **Section F**.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**EP005 (EP-05) Compression Ignition (CI) RICE Emergency Generator****Description:**

Model Cummins 5699460
Primary Fuel: Diesel
Power Output: 235 hp
Max Operating Rate: 0.012 1000gal/hr
Construction Date: January 2005

APPLICABLE REGULATIONS:

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

1. Operating Limitations:

- a. The permittee of an existing emergency stationary CI RICE located at an area source of HAP emissions, must comply with the following: [40 CFR 63.6603(a) and Item 4. in Table 2d to 40 CFR 63, Subpart ZZZZ]
 - i. Change oil and filter every 500 hours of operation or within 1 year + 30 days of the previous change, whichever comes first; [Item 4.a. in Table 2d to 40 CFR 63, Subpart ZZZZ]
 - ii. Inspect air cleaner every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first and replace as necessary; and [Item 4.b.in Table 2d to 40 CFR 63, Subpart ZZZZ]
 - iii. Inspect all hoses and belts every 500 hours of operation or within 1 year + 30 days of the previous change, whichever comes first, and replace as necessary. [Item 4.c. in Table 2d to 40 CFR 63, Subpart ZZZZ]
- b. The permittee must be in compliance with the emission limitations, operating limitations, and other requirements in 40 CFR 63, Subpart ZZZZ that apply at all times. [40 CFR 63.6605(a)]
- c. At all times the permittee must 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. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. 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 63.6605(b)]
- d. The permittee must operate and maintain their stationary RICE and after-treatment control devices (if any) according to the manufacturer's emission-related written instructions or develop their own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engines in a manner consistent with good air pollution control practice for minimizing emissions.[40 CFR 63.6625(e)(3)]

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

- e. The permittee must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engines, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Table 2d to 40 CFR 63, Subpart ZZZZ apply. [40 CFR 63.6625(h)]
- f. The permittee must operate the emergency stationary RICE according to the requirements in 40 CFR 63.6640(f)(1) through (4). In order for the engine to be considered an emergency stationary RICE under 40 CFR 63, Subpart ZZZZ, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in 40 CFR 63.6640(f)(1) through (4), is prohibited. If the permittee does not operate the engine according to the requirements in 40 CFR 63.6640(f)(1) through (4), the engine will not be considered an emergency engine under 40 CFR 63, Subpart ZZZZ and must meet all requirements for non-emergency engines. [40 CFR 63.6640(f)]
 - (i) There is no time limit on the use of emergency stationary RICE in emergency situations. [40 CFR 63.6640(f)(1)]
 - (ii) The permittee may operate their emergency stationary RICE for the purpose specified in 40 CFR 63.6640(f)(2)(i) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by 40 CFR 63.6640(f)(3) and (4) counts as part of the 100 hours per calendar year allowed by 40 CFR 63.6640(f)(2). [40 CFR 63.6640(f)(2)]
 - (1) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year. [40 CFR 63.6640(f)(2)(i)]
 - (iii) Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in 40 CFR 63.6640(f)(2). Except as provided in 40 CFR 63.6640(f)(4)(i) and (ii), the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 63.6640(f)(4)]
 - (1) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met: [40 CFR 63.6640(f)(4)(ii)]
 - (A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator. [40 CFR 63.6640(f)(4)(ii)(A)]
 - (B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could

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

lead to the interruption of power supply in a local area or region. [40 CFR 63.6640(f)(4)(ii)(B)]

- (C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines. [40 CFR 63.6640(f)(4)(ii)(C)]
- (D) The power is provided only to the facility itself or to support the local transmission and distribution system. [40 CFR 63.6640(f)(4)(ii)(D)]
- (E) The permittee identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the permittee. [40 CFR 63.6640(f)(4)(ii)(E)]

Compliance Demonstration Method:

- (i) Pursuant to 40 CFR 63.6640(a), the permittee must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Table 2d to 40 CFR 63, Subpart ZZZZ according to methods specified in Item 9 in Table 6 to 40 CFR 63, Subpart ZZZZ as follows: [40 CFR 63.6640(a)]
 - (1) Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or [Item 9.a.i. in Table 6 to 40 CFR 63, Subpart ZZZZ]
 - (2) Develop and follow the permittee's own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engines in a manner consistent with good air pollution control practice for minimizing emissions. [Item 9.a.ii. in Table 6 to 40 CFR 63, Subpart ZZZZ]

(ii) See 5. Specific Recordkeeping Requirements

2. Emission Limitations:

None

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 has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d to 40 CFR 63, Subpart ZZZZ. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2d to 40 CFR 63, Subpart ZZZZ. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine's permittee is not required to change the oil. If any of the limits are exceeded, the engine's permittee must change the

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

oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine's permittee must change the oil within 2 business days or before commencing operation, whichever is later. The permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [40 CFR 63.6625(j)]

- b. The permittee must install a non-resettable hour meter if one is not already installed. [40 CFR 63.6625(f)]
- c. The permittee shall monitor the amount of diesel used (gallons) on a monthly basis. [401 KAR 52:030, Section 10]

5. Specific Recordkeeping Requirements:

- a. The permittee must keep the records required in Table 6 of 40 CFR 63, Subpart ZZZZ to show continuous compliance with each emission or operating limitation that applies. [40 CFR 63.6655(d)]
- b. The permittee shall keep records of the maintenance conducted on the emission unit to demonstrate that the permittee operated and maintained the stationary RICE and aftertreatment control device (if any) according to the permittee's own maintenance plan. [40 CFR 63.6655(e)]
- c. The permittee must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in 40 CFR 63.6640(f)(4)(ii), the permittee must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. [40 CFR 63.6655(f)(2)]
- d. The permittee shall maintain records in a form suitable and readily available for expeditious review according to 40 CFR 63.10(b)(1). The permittee shall keep each record, readily accessible in hard copy or electronic format, for five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.6660]
- e. The permittee shall maintain records of the amount of diesel used (gallons) on a monthly basis. [401 KAR 52:030, Section 10]

6. Specific Reporting Requirements:

- a. The permittee must report each instance in which the permittee did not meet each operating limitation in Table 2d to 40 CFR 63, Subpart ZZZZ that apply. These instances are deviations from the emission and operating limitations in 40 CFR 63, Subpart ZZZZ. These deviations must be reported according to the requirements in 40 CFR 63.6650. [40 CFR 63.6640(b)]

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

- b. The permittee must also report each instance in which the permittee did not meet the requirements in Table 8 to 40 CFR 63, Subpart ZZZZ that apply. [40 CFR 63.6640(e)]
- c. The permittee shall submit all of the notifications in 40 CFR 63.7(b) and (c), 63.8(e) (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply by the dates specified. [40 CFR 63.6645(a)]
- d. Beginning on February 26, 2025 for the annual report specified in 40 CFR 63.6650(h) and February 26, 2025 or one year after the report becomes available in CEDRI, whichever is later for all other semiannual or annual reports, submit all semiannual and annual subsequent compliance reports using the appropriate electronic report template on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/cedri>) for this subpart and following the procedure specified in 40 CFR 63.9(k), except any CBI must be submitted according to the procedures in 40 CFR 63.6645(h). The date report templates become available will be listed on the CEDRI website. Unless the Administrator or delegated state agency or other authority has approved a different schedule for submission of reports, the report must be submitted by the deadline specified in 40 CFR 63, Subpart ZZZZ, regardless of the method in which the report is submitted. [40 CFR 63.6650(i)]

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Two Electric Compressors Rated Capacity: 1,750 hp each	None
2. Two plastic Antifreeze Tanks 1,100 gallons each	None
3. Two steel fresh oil Tanks 2,000 gallons each	401 KAR 63:020
4. One plastic 1,000 gallon Used Oil Tank	401 KAR 63:020
5. One steel 8,820 gallon Processed Fluids Tank	None
6. One steel 2,000 gallon Triethylene Glycol Tank	401 KAR 63:020
7. One plastic 1,025 gallon Water Filtration Tank	None
8. EP06 Pipeline Equipment Leaks from: 25 valves, 5 open ended lines, 5 other, 12 seals, and 5 pumps	401 KAR 63:020

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Volatile Organic Compound (VOC) and hazardous air pollutant (HAP) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. To preclude the applicability of 401 KAR 52:020, Title V permits, the total annual source-wide emissions shall not exceed the following emission limitations on a twelve (12) month rolling basis: [401 KAR 52:030, Section 10]
 - a. VOC emissions shall not exceed 90 tons per year
 - b. Any single HAP emissions shall not exceed 9 tons per year
 - c. Total combined HAP emissions shall not exceed 22.5 tons per year.

Compliance Demonstration Method:

Compliance with the annual emissions limitations imposed pursuant to 401 KAR 52:030, Section 10, and contained in this permit, shall be based on the sum of the monthly emission rates from each emission point (i.e., **Sections B** and **C**) during each twelve (12) consecutive month period. The monthly emission rates shall be defined as the sum of the products of the processing rates multiplied by each respective emission factor for each emission point. The permittee shall maintain monthly records, readily accessible to Division personnel upon request, of source wide emissions and processing rates.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

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

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five (5) years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030, Section 3(1)(f)1a, and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
3. In accordance with the requirements of 401 KAR 52:030, Section 3(1)f, the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030, Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported

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

in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.

7. In accordance with the provisions of 401 KAR 50:055, Section 1, the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken shall be submitted to the Regional Office listed on the front of this permit. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement does not identify a specific time frame for reporting deviations, prompt reporting, as required by Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26 shall be defined as follows:
 - a. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
 - b. For emissions of any regulated air pollutant, excluding those listed in F.8.a., that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
 - c. All deviations from permit requirements, including those previously reported, shall be included in the semiannual report required by F.6.
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. The certification shall be submitted by January 30th of each year. Annual compliance

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

certifications shall be sent to the Division for Air Quality, Hazard Regional Office, 1332 S. KY HWY 15, Suite 100, Hazard, KY 41701.

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within 30 days of the date the Kentucky Emissions Inventory System (KYEIS) emissions survey is mailed to the permittee. If a KYEIS emissions survey is not mailed to the permittee, then the permittee shall comply with all other emissions reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
 - a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - (1) The size and location of both the original and replacement units; and
 - (2) Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - (1) Re-install the original unit and remove or dismantle the replacement unit; or
 - (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS1. General Compliance Requirements

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030, Section 3(1)(b), and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030, Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030, Section 12;
 - (2) The Cabinet or the United States Environmental Protection Agency (U. S. EPA) determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.
- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030, Section 3(1)(c)].
- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect

SECTION G - GENERAL PROVISIONS (CONTINUED)

information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030, Section 7(1)].

- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- i. All emission limitations and standards contained in this permit shall be enforceable as a practical matter. All emission limitations and standards contained in this permit are enforceable by the U.S. EPA and citizens except for those specifically identified in this permit as state-origin requirements. [Section 1a-12 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030, Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and

SECTION G - GENERAL PROVISIONS (CONTINUED)

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

- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in this permit; and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six (6) months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030, Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030, Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030, Section 14(3), may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the State Implementation Plan (SIP) or in applicable requirements and meet the relevant requirements of 401 KAR 52:030, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

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

No construction authorized by permit F-26-007.

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

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

6. Acid Rain Program Requirements

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

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:030, Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
 - (5) Notification of the Division does not relieve the source of any other local, state or

SECTION G - GENERAL PROVISIONS (CONTINUED)

federal notification requirements.

- b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030, Section 23(3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030, Section 23(2)].

8. Ozone depleting substances

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

9. Risk Management Provisions

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

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

SECTION I - COMPLIANCE SCHEDULE

N/A