

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

**Draft**

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

**Permittee Name:** Independent Stave Company, LLC  
**Mailing Address:** P.O. Box 104, Lebanon, MO 65536

**Source Name:** Commonwealth Cooperage  
**Mailing Address:** 201 Rodney Hitch Blvd, Morehead, KY 40351  
**Source Location:** on Rodney Hitch Blvd

**Permit ID:** F-24-055  
**Agency Interest #:** 161081  
**Activity ID:** APE20240001  
**Review Type:** Conditional Major, Operating  
**Source ID:** 21-205-00068

**Regional Office:** Ashland Regional Office  
1550 Wolohan Drive, Suite 1  
Ashland, KY 41102  
(606) 929-5285

**County:** Rowan

**Application  
Complete Date:** September 10, 2024  
**Issuance Date:**  
**Expiration Date:**

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

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<b>Permit</b>	<b>Permit Type</b>	<b>Activity#</b>	<b>Complete Date</b>	<b>Issuance Date</b>	<b>Summary of Action</b>
<b>F-24-055</b>	<b>Renewal</b>	<b>APE20240001</b>	<b>9/10/2024</b>		<b>Permit Renewal</b>

## **SECTION A - PERMIT AUTHORIZATION**

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

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

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

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **Emission Unit 01 (EP-20 and EP-30) – Two Wood-Fired Indirect Heat Exchangers**

#### **Description:**

##### **EP-20:**

Operating Rate: 9.229 MMBtu/hr (0.55 tons/hr)  
Fuel type: wood refuse  
Control: Multicyclone (85% removal efficiency)  
Construction Commenced: 9/2019

##### **EP-30:**

Operating Rate: 9.229 MMBtu/hr (0.55 tons/hr)  
Fuel type: wood refuse  
Control: Multicyclone (85% removal efficiency)  
Construction Commenced: 2/2024

#### **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) The permittee shall burn only clean wood and clean wood waste in these units. Clean wood means wood or wood products that have been cut or shaped; and includes wet, air-dried, and kiln dried wood products; and does not include industrial waste, or wood products that have been painted, pigment-stained, or pressure treated using any hazardous or toxic compounds, or a mixture of metallic salts [401 KAR 52:030, Section 10].
- b) During a startup period or a shutdown period, the permittee shall comply with and meet the work practice standards established in Table 2 to 40 CFR 63, Subpart JJJJJJ [401 KAR 59:015, Section 7 and Section 7(2)(c)].
- c) The permittee shall conduct a tune-up of each boiler biennially as specified in 40 CFR 63.11223(b)(1) through (7). Each biennial tune-up shall be conducted no more than 25 months after the previous tune-up. For a new boiler, the first biennial tune-up shall be no later than 25 months after the initial startup of the new boiler [40 CFR 63.11201(b) referencing Item 7. of Table 2 to 40 CFR 63, Subpart JJJJJJ; and 40 CFR 63.11223(b); 40 CFR 63.11210(g); and 40 CFR 63.11214(b)].
  - i) As applicable, inspect the burner, and clean or replace any component of the burner as necessary (the permittee 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 (the permittee 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 specifications, 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(c)(5)].
  - vi) Maintain on-site and submit, if requested by the Administrator, a report containing the information in 40 CFR 63.11223(b)(6)(i) through (iii) [40 CFR 63.11223(b)(6):
    - A) 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)].
    - B) A description of any corrective actions taken as a part of the tune-up of the boiler [40 CFR 63.11223(b)(6)(ii)].
    - C) 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 shall be conducted within 30 days of startup [40 CFR 63.11223(b)(7)].
- d) At all times the permittee shall operate and maintain the 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 any further efforts to reduce emissions if levels required by 40 CFR 63, Subpart JJJJJ 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)]

**2. Emission Limitations:**

- a) PM emissions shall not exceed the following:
  - i) From EP-20 shall not exceed 0.56 lb/MMBtu. [401 KAR 59:015, Section 4(1)(a)]
  - ii) From EP-30 shall not exceed 0.48 lb/MMBtu. [401 KAR 59:015, Section 4(1)(c)]

***Compliance Demonstration Method:***

Each unit is assumed to be in compliance with the PM standard when meeting the requirements of 7. **Specific Control Equipment Operating Conditions (a).**

**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 each 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 Method:***

Compliance shall be demonstrated according to **4. Specific Monitoring Requirements (b)**.

- c) SO<sub>2</sub> emissions shall not exceed the following:
  - i) From EP-20 shall not exceed 5.0 lb/MMBtu. [401 KAR 59:015, Section 5(1)(a)(2)]
  - ii) From EP-30 shall not exceed 3.82 lb/MMBtu. [401 KAR 59:015, Section 5(1)(c)(3)]

***Compliance Demonstration Method:***

Each unit is assumed to be in compliance with the SO<sub>2</sub> standard while burning clean wood/clean wood waste.

- d) See **Section D – Source Emission Limitations and Testing Requirements** for source-wide PM and carbon monoxide (CO) emission limitations.

**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:**

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

**5. Specific Recordkeeping Requirements:**

- a) 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 submitted to comply with 40 CFR 63, Subpart JJJJJ and all documentation supporting any Initial Notification or Notification of Compliance Status submitted [40 CFR 63.11225(c)(1)].

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

- ii) The permittee shall keep records to document conformance with the work practices, emission reduction measures, and management practices required by 40 CFR 63.11221 and 63.11223 as specified in paragraphs 40 CFR 63.11225(c)(2)(i) through (vi) of this section. The permittee shall keep records identifying each boiler, the date of a tune-up, the procedures followed for a tune-up, and the manufacturer's specifications to which each boiler was tuned. [40 CFR 63.11225(c)(2) and (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 emission in accordance with the general duty to minimize emissions in 40 CFR 63.11205(a), including corrective actions to restore a malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation [40 CFR 63.11225(c)(5)].
- b) 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)].
  - c) The permittee shall maintain records of the amount of wood combusted (in tons) in each boiler on a monthly basis [401 KAR 52:030, Section 10].
  - d) The permittee shall maintain a log of the qualitative visual observations made as specified in **4. Specific Monitoring Requirements (b)** including the date, time, initials of observer, whether any emissions were observed (yes/no), and any U.S. EPA Reference Method 9 readings taken [401 KAR 52:030, Section 10].

**6. Specific Reporting Requirements:**

- a) The permittee shall submit the notification specified in 40 CFR 63.11225(a)(1) through (5) to the administrator [40 CFR 63.11225(a)].
  - i) The permittee shall submit all of the notifications in 40 CFR 63.7; 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)].
  - iii) If the permittee is required to conduct a performance stack test the permittee shall submit a Notification of Intent to conduct a performance test at least 60 days before the performance stack test is scheduled to begin [40 CFR 63.11225(a)(3)].
  - iv) The permittee shall submit the Notification of Compliance Status within 60 days of completing the performance stack test. The permittee shall submit the Notification of Compliance Status in accordance with 40 CFR 63.11225(a)(4)(i) and (vi), as applicable, and signed by a responsible official [40 CFR 63.11225(a)(4)].
  - v) If the permittee is using data from a previously conducted emission test to serve as documentation of conformance with the emission standards and operating limits of 40 CFR 63, Subpart JJJJJ, the permittee shall include in the Notification of Compliance

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

Status the date of the test and a summary of the results, not a complete test report, relative to 40 CFR 63, Subpart JJJJJ [40 CFR 63.11225(a)(5)].

- b) 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 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)]

**7. Specific Control Equipment Operating Conditions:**

- a) Each control device 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 52:030, 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 Unit 02 – Barrel (and Head) Charring Operations (Natural Gas Burners)**

**Description:**

Emission Point:	Description:	Operating Rate:		Construction Commenced
EP-06	Dry Fired	2.00 MMBtu/hr		9/2019
EP-07	Char Fired	5.13 MMBtu/hr	356 bbl/hr equivalent to 0.57 tons/hr (wood burned from barrels) or 13.71 tons/hr (total wood from barrels)	9/2019 Modified 1/2024
EP-14	Head Char	Five burners at 0.25 MMBtu/hr (each)	712 heads/hr equivalent to 0.44 tons/hr (wood burned from heads) or 3.35 tons/hr (total wood from heads)	9/2019 Modified: 12/2021 & 1/2024

Average Barrel Weight: 77 lbs

Average Head Weight: 9.4 lbs

**APPLICABLE REGULATIONS:**

**401 KAR 59:010**, *New process operations*

**STATE-ORIGIN REQUIREMENTS:**

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

**1. Operating Limitations:**

N/A

**2. Emission Limitations:**

- a) For emissions from a control device or stack the permittee shall not cause, suffer, allow or permit the emission into the open air of PM from any affected facility which is in excess of the quantity specified in the table below: [401 KAR 59:010, Section 3(2)]

P = Process Rate in tons/hr	E = Particulate matter emissions rate in lb/hr
$P \leq 0.50$	E = 2.34 lb/hr
$0.50 < P \leq 30$	$E = 3.59 * P^{0.62}$

***Compliance Demonstration Method:***

Compliance with the PM standard is assumed based on AP-42 emission factors for natural gas and wood residue combustion in boilers.

- b) Emissions shall not equal or exceed 20 percent opacity [401 KAR 59:010, Section 3(1)(a)].

***Compliance Demonstration Method:***

Compliance with the opacity standard shall be demonstrated according to **4. Specific Monitoring Requirements** (b).

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

- c) The permittee shall provide the utmost care and consideration, in the handling of hazardous matter or toxic substances, 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 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.

- d) See **Section D – Source Emission Limitations and Testing Requirements** for source-wide PM and CO emission limitations.

**3. Testing Requirements:**

- a) If the permittee changes the method of operation for Emission points 07 and 14, the permittee shall conduct a performance test on Emission points 07 and 14 for CO emissions using U.S. EPA Reference Method 10 to update the site-specific CO emissions factor [401 KAR 50:045 and 401 KAR 59:005, Section 2].
- i) The performance test shall be conducted after achieving the maximum production rate at which the Emission points 07 and 14 will be operated [401 KAR 50:045 and 401 KAR 59:005, Section 2].
- ii) The performance test shall be conducted under normal conditions that are representative of normal operations and create the highest rate of emissions. If the maximum production rate represents the highest emissions rate and a performance test is conducted at less than the maximum production rate, the unit shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance test [401 KAR 50:045 and 401 KAR 59:005, Section 2].
- iii) The performance test shall consist of at least three test runs. Each test run shall be at least 60 minutes in duration [401 KAR 50:045 and 401 KAR 59:005, Section 2].
- iv) The permittee shall monitor the number of barrels charred during each test run [401 KAR 50:045 and 401 KAR 59:005, Section 2].
- b) 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:**

- a) The permittee shall monitor the number of barrels/heads charred and amount of natural gas combusted (in MMscf) on a monthly basis for each unit [401 KAR 52:030, Section 10].
- b) The permittee shall perform a qualitative visual observation of the opacity of emissions at each stack no less than weekly while the affected facility is operating. If visible emissions from the stacks 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

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

a corrective action which results in no visible emissions (not including condensed water in the plume). [401 KAR 52:030, Section 10].

**5. Specific Recordkeeping Requirements:**

- a) The permittee shall maintain records of the number of barrels/heads charred and amount of natural gas combusted (in MMscf) on a monthly basis [401 KAR 52:030, Section 10].
- b) The permittee shall maintain a log of the qualitative visual observations made as specified in **4. Specific Monitoring Requirements (b.)** including the date, time, initials of observer, whether any emissions were observed (yes/no), and any U.S. EPA Reference Method 9 readings taken. [401 KAR 52:030, Section 10].

**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)

**Emission Unit 04 – Non-Fugitive Woodworking Operations (EP-02, EP-03, EP-04, EP-05, EP-08, EP-09, EP-10, EP-11, EP-13, EP-15, EP-16, EP-17, EP-19, EP-21, EP-22, EP-23)**

**Description:** All non-fugitive woodworking operations

Emission Point:	Description:	Operating Rate:	Control Equipment:	Construction Commenced:
EP-02	Stave Equalizer	19.35 tons/hr	Baghouses: PT – 99% PM <sub>10</sub> – 99%, PM <sub>2.5</sub> – 95%	9/2019**
EP-03	Stave Planer	18.86 tons/hr		9/2019**
EP-04	G5 Machines	16.84 tons/hr		9/2019**
EP-05	Rip Saw & Cutoff Saw	0.9 tons/hr		9/2019**
EP-08	Crozer	11.76 tons/hr		9/2019**
EP-09	Heading Planer	3.67 tons/hr		9/2019**
EP-10	Heading Jointers	3.38 tons/hr		9/2019**
EP-11	Rip Saws & Jointers	0.76 tons/hr		9/2019**
EP-13	Rounder	2.90 tons/hr		9/2019**
EP-15	Head Repair – Jointer, T&G, & Planer	0.42 tons/hr		9/2019*
EP-16	Bung Bore	14.36 tons/hr		9/2019**
EP-17	Copy Saw	0.2 tons/hr		9/2019**
EP-19	Wood Waste Silo	4.70 tons/hr		9/2019**
EP-21	Wood Waste Truck Loadout	4.33 tons/hr		9/2019*
EP-22	Weima Grinder (Stave)	1.04 tons/hr		9/2019**
EP-23	Weima Grinder (Heading)	1.15 tons/hr	9/2019**	

\*Modified 2022

\*\*Modified 2024

### **APPLICABLE REGULATIONS:**

**401 KAR 59:010, New process operations**

#### **1. Operating Limitations:**

The permittee shall operate the control device(s) at all times of operation [To preclude 401 KAR 52:020, Title V Permits].

#### **2. Emission Limitations:**

a) Visible emissions shall not equal or exceed 20% opacity [401 KAR 59:010, Section 3(1)(a)].

##### **Compliance Demonstration Method:**

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

b) For emissions from a control device or stack the permittee shall not cause, suffer, allow or permit the emission into the open air of PM from any affected facility which is in excess of the quantity specified in the table below: [401 KAR 59:010, Section 3(2)]

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

P = Process Rate in tons/hr	E = Particulate matter emissions rate in lb/hr
$P \leq 0.50$	$E = 2.34 \text{ lb/hr}$
$0.50 < P \leq 30$	$E = 3.59 * P^{0.62}$

### ***Compliance Demonstration Method:***

Compliance with the particulate emission limit is assumed when the control equipment is operated in accordance with manufacturer's specifications and/or standard operating practices.

- c) See **Section D – Source Emission Limitations and Testing Requirements** for source-wide PM and CO emission limitations.

### **3. Testing Requirements:**

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

### **4. Specific Monitoring Requirements:**

- a) The permittee shall monitor the amount of material received and processed (in tons) on a monthly basis [401 KAR 52:030, Section 10].
- b) The permittee shall perform a qualitative visual observation of the opacity of emissions at each stack no less than weekly while the affected facility is operating. If visible emissions from the stacks are observed (not including condensed water in the plume), the permittee shall determine the opacity using U.S. EPA Reference Method 9. In lieu of determining the opacity using U.S. EPA Reference Method 9, the permittee shall immediately perform a corrective action which results in no visible emissions (not including condensed water in the plume). [401 KAR 52:030, Section 10].
- c) The permittee shall install, calibrate, maintain, and operate a pressure drop monitoring device to continuously monitor the differential pressure across the baghouse to ensure that pressure does not drop outside the pressure drop range documented by the manufacturer's specifications or the pressure drop range determined during the most recent performance test. Personnel will monitor the differential pressure reading across the baghouse at least once per shift during all times of operation. [401 KAR 52:030, Section 10]

### **5. Specific Recordkeeping Requirements:**

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

### **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 52:030, Section 10].

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

### Emission Unit 05 (T1A – T7) – Fugitive Emissions (Haul Roads)

#### Description:

Construction Date: 9/2019, Modified 2022

Emission Point	Description:	Round Trip Distance (feet)
T1A	Paved Roads – Semi trailer dried materials into the plant	1600
T1B	Paved Roads – Semi trailer stave and headings into the plant	1600
T2	Paved Roads – Semi trailer finished product out of the plant	1800
T4	Unpaved Roads – Forklift material to kilns	1500
T5	Paved Roads – Semi trailer wood waste out of plant	1300
T7	Paved Roads - Ash to Dumpster	500

#### APPLICABLE REGULATIONS:

**401 KAR 63:010, *Fugitive emissions***

#### **1. Operating Limitations:**

- a) A person shall not cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished; or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Reasonable precautions shall include, as applicable: [401 KAR 63:010, Section 3(1)]
  - 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; [401 KAR 63:010, Section 3(1)(a)]
  - ii) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts; [401 KAR 63:010, Section 3(1)(b)]
  - 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. [401 KAR 63:010, Section 3(1)(c)]
  - iv) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; [401 KAR 63:010, Section 3(1)(d)]
  - v) The maintenance of paved roadways in a clean condition; or [401 KAR 63:010, Section 3(1)(e)]
  - 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. [401 KAR 63:010, Section 3(1)(f)]
- b) If dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the secretary may, based on the cause, type, or amount of a fugitive emission, order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas borne material leaving the building or equipment are treated by removal or

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

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 [401 KAR 63:010, Section 3(2)(a)]
- b) More than twenty (20) minutes of emission time during any twenty-four (24) hour period. [401 KAR 63:010, Section 3(2)(b)]

**3. Testing Requirements:**

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

**4. Specific Monitoring Requirements:**

- a) The permittee shall monitor the rate of material hauled (in tons, VMT, gallons/hr, etc.) for each unit or vehicle on paved and unpaved roadways on a monthly basis [401 KAR 52:030, Section 10].
- b) The permittee shall monitor the reasonable precautions taken (e.g. water usage for roads, enclosures are in good operating condition) to prevent particulate matter from becoming airborne on a monthly basis. [401 KAR 52:030, Section 10]
- c) If fugitive dust emissions beyond the lot line of the property are observed, the permittee shall conduct U.S. EPA Reference Method 22 (visual determination of fugitive emissions) observations per Appendix A of 40 C.F.R. Part 60. In lieu of conducting U.S. EPA Reference Method 22, the permittee shall immediately perform a corrective action which results in no visible fugitive dust emissions beyond the lot line of the property. [401 KAR 52:030, Section 10]

**5. Specific Recordkeeping Requirements:**

- a) The permittee shall maintain records of the processing rate (in VMT) for each vehicle or unit for paved roadways on a monthly basis [401 KAR 52:030, Section 10].
- b) The permittee shall maintain a log of the reasonable precautions taken to prevent particulate matter from becoming airborne, on a monthly basis. Notation of the operating status, down-



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

time, or relevant weather conditions are acceptable for entry to the log. [401 KAR 52:030, Section 10]

- c) The permittee shall maintain a log of the following: [401 KAR 52:030, Section 10]
  - i) Qualitative fugitive emissions observations conducted including the date, time, initials of observer, whether any fugitive dust emissions were observed,
  - ii) Any U.S. EPA Reference Method 22 performed and field records identified in U.S. EPA Reference Method 22.
  - iii) Any corrective action taken and the results.

**6. Specific Reporting Requirements:**

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

**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. Six Steam Heated Kilns (EP 01, 24, 25, 26, 27, 28) rated at 0.57 MBF/hr each	401 KAR 59:010 and 401 KAR 63:020
2. Toasting Operations (EP 29) rated at 0.11 tons/hour	401 KAR 59:010 and 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. Particulate Matter, sulfur dioxide, and carbon monoxide emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. In order to preclude 401 KAR 52:020, Title V permits, the permittee shall limit CO emissions to less than 90 tons per year, based on a 12-month rolling total. The permittee shall monitor the throughput of natural gas on a monthly basis.

$$\text{Monthly CO Emissions} \left( \frac{\text{tons}}{\text{month}} \right) = CO_{\text{combustion}} + CO_{\text{charring}} + CO_{IA}$$

Where

$$CO_{IA} = \left( \frac{1}{12} \right) (\text{PTE of CO for all Insignificant Activities})$$

and

$$CO_{\text{combustion}} \left( \frac{\text{tons}}{\text{month}} \right) = \left[ \frac{EF_{\text{combustion}} \left( \frac{\text{lb}}{\text{scc}} \right) * \text{Operating Rate} \left( \frac{\text{SCC}}{\text{hr}} \right) * \frac{\text{hours}}{\text{month}}}{2000 \left( \frac{\text{lb}}{\text{ton}} \right)} \right]$$

and

$$CO_{\text{charring}} \left( \frac{\text{tons}}{\text{month}} \right) = \left[ \frac{EF_{\text{charring}} \left( \frac{\text{lb}}{\text{scc}} \right) * \text{Operating Rate} \left( \frac{\text{SCC}}{\text{hr}} \right) * \frac{\text{hours}}{\text{month}}}{2000 \left( \frac{\text{lb}}{\text{ton}} \right)} \right]$$

EP	EF <sub>combustion</sub> <sup>[1]</sup>	Operating Rate	EF <sub>charring</sub> <sup>[2]</sup>	Operating Rate:
EP-06	84 lb/MMscf	1.96E-3 MMscf/hr	N/A	N/A
EP-07	N/A	5.0 E-3 MMscf/hr	0.013 (lb/barrel)	356 barrels/hr
EP-14	N/A	1.22E-3 MMscf/hr	0.0016 (lb/head)	712 heads/hr
EP-20	10.1 lb/ton	0.55 tons/hr	N/A	N/A
EP-30	10.1 lb/ton	0.55 tons/hr	N/A	N/A

<sup>[1]</sup> Emission factors are derived from AP-42, Section 1.4 and AP-42, Section 1.6 for natural gas and wood respectively. EP-07 & EP-14 no longer have CO<sub>combustion</sub> emission factors associated with the processes as performance testing to establish the updated CO<sub>charring</sub> emission factors included the CO emissions from natural gas combustion.

<sup>[2]</sup> Emission factor was derived from the September 19, 2023 performance test for CO.

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

4. In order to preclude 401 KAR 52:020, Title V permits, the permittee shall limit PM emissions to less than 90 tons per year, based on a 12-month rolling total. Demonstration of compliance is shown by continuous operation of all baghouses according to the manufacturer's performance specifications.
5. In order to preclude 401 KAR 51:017, Prevention of significant deterioration, for PM, the permittee shall continuously operate all baghouses according to the manufacturer's performance and maintenance specifications. The permittee shall keep records of all maintenance conducted and shall maintain records of malfunctions or failures and the actions taken to correct issues.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

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

## **SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place (as defined in this permit), and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five (5) years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030, Section 3(1)(f)1a, and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
3. In accordance with the requirements of 401 KAR 52:030, Section 3(1)f, the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
6. 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].

**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 52:030, Section 22. 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 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

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

- 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, Division for Air Quality, Ashland Regional Office, 1550 Wolohan Dr., Suite 1, Ashland, KY 41102.
10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within 30 days of the date the Kentucky Emissions Inventory System (KYEIS) emissions survey is mailed to the permittee. If a KYEIS emissions survey is not mailed to the permittee, then the permittee shall comply with all other emissions reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
    - (1) The size and location of both the original and replacement units; and
    - (2) Any resulting change in emissions;
  - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
  - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
  - d. The replacement unit shall comply with all applicable requirements; and
  - e. The source shall notify Regional office of all shutdowns and start-ups.
  - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
    - (1) Re-install the original unit and remove or dismantle the replacement unit; or
    - (2) Submit an application to permit the replacement unit as a permanent change.



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

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

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

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030, Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- i. All emission limitations and standards contained in this permit shall be enforceable as a practical matter. All emission limitations and standards contained in this permit are enforceable by the U.S. EPA and citizens except for those specifically identified in this permit as state-origin requirements. [Section 1a-12 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030, Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
  - q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
    - (1) Applicable requirements that are included and specifically identified in this permit; and
    - (2) Non-applicable requirements expressly identified in this permit.
2. Permit Expiration and Reapplication Requirements
- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six (6) months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030, Section 12].
  - b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030, Section 8(2)].
3. Permit Revisions
- a. Minor permit revision procedures specified in 401 KAR 52:030, Section 14(3), may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the State Implementation Plan (SIP) or in applicable requirements and meet the relevant requirements of 401 KAR 52:030, Section 14(2).
  - b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.
4. Construction, Start-Up, and Initial Compliance Demonstration Requirements
- No construction authorized by this permit (F-24-055).

**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.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

- (5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
- b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030, Section 23(3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030, Section 23(2)].
8. Ozone depleting substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.
9. Risk Management Provisions
- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to U.S. EPA using the RMP\* eSubmit software.
- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

N/A

**SECTION I - COMPLIANCE SCHEDULE**

N/A