

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

Draft

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

Permittee Name: Marrillia Environmental
Mailing Address: 360 Ranch Rd,
Mount Washington, KY 40047

Source Name: Marrillia Environmental
Mailing Address: 360 Ranch Rd,
Mount Washington, KY 40047

Source Location: Same as above

Permit ID: V-23-041
Agency Interest #: 70880
Activity ID: APE20230002
Review Type: Title V, Operating
Source ID: 21-029-00045

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

County: Bullitt

**Application
Complete Date:** January 1, 2024
Issuance Date:
Expiration Date:

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

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Permit	Permit Type	Activity#	Complete Date	Issuance Date	Summary of Action
V-23-041	Renewal	APE20230002	1/1/2024		Renewal

SECTION A - PERMIT AUTHORIZATION

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

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

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

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

Emission Unit 01

Mechanical Combustion Unit

Description:

Air Curtain Incinerator
Model: Whitton Technologies Model Number S327
Heat Input Capacity: 10 tons of wood / hr
Primary Fuel: Clean lumber, wood waste, yard waste
Controls: Air curtain blower
Construction Date: 8/1/2007

APPLICABLE REGULATIONS:

401 KAR 59:020, *New Incinerators*

401 KAR 60:005, Section 2(2)(bbbb) 40 C.F.R. 60.2000 to 60.2265, Tables 1 to 8 (**Subpart CCCC**), *Standards of Performance for Commercial and Industrial Solid Waste Incineration Units*

1. Operating Limitations:

- a. To preclude applicability of 401 KAR 51:052, *Review of new sources in or impacting nonattainment areas*, VOC and PM_{2.5} (=PT=PM₁₀) emissions from the air curtain incinerators shall not exceed 90 tons per year, each [401 KAR 52:020, Section 10].

Compliance Demonstration Method:

- i. VOC emissions (tons) = tons of wood burned in every 12 consecutive months times an emission factor of 11 lbs./ton divided by 2,000 lbs./ton [401 KAR 52:020, Section 10]
 - ii. PM_{2.5} (=PT=PM₁₀) emissions (tons) = tons of wood burned in every 12 consecutive months times an emission factor of 1.3 lbs./ton divided by 2,000 lbs./ton [401 KAR 52:020, Section 10]
- b. Air curtain incinerators that burn only the materials listed in 40 CFR 60.2245(b)(1) through (3) are only required to meet the requirements under 40 CFR 60.2242 and under "Air Curtain Incinerators" (40 CFR 60.2245 through 60.2260):
 - 1) 100 percent wood waste;
 - 2) 100 percent clean lumber; and
 - 3) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

Where the following definitions apply:

- i. Clean lumber means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote [40 CFR 60.2265].

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

- ii. Wood waste means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings [40 CFR 60.2265].
- iii. Yard waste is grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs which come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include construction, renovation, and demolition wastes [40 CFR 60.1440].
- c. A nameplate shall be installed in a conspicuous place on the unit giving the manufacturer's name, model number, rated capacity, and the types of waste material for which the unit is designed [401 KAR 59:020, Section 5].
- d. Material shall not be added in such a manner as to be stacked above the air curtain [401 KAR 52:020, Section 10].
- e. The blower generating the air curtain shall remain on to ensure that material does not flame or cause smoke [401 KAR 50:055, Section 2(5) & 401 KAR 52:020, Section 10].
- f. An operator shall remain with the air curtain incinerator at all times when it is operating [401 KAR 52:020, Section 10].

2. Emission Limitations:

- a. Opacity shall not exceed 10% (6 minute average), except the opacity limitation shall not exceed 20% during the startup period that is within the first 30 minutes of operation. [40 CFR 60.2250 & 401 KAR 59:020, Section 3(1)]

Compliance Demonstration Method:

See **3. Testing Requirements** c. and **4. Specific Monitoring Requirements** c.

- b. Particulate matter shall not exceed 0.18 g/dscm (0.08 gr/dscf) on a one hour average corrected to 12% carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel. [401 KAR 59:020, Section 3(3)]

Compliance Demonstration Method:

The permittee is assumed to be in compliance while operating per **1. Operating Limitations** d. through f.

3. Testing Requirements:

- a. The permittee shall use U.S. EPA Reference Method 9 of 40 CFR Part 60 Appendix A to determine compliance with the applicable opacity limitation. [40 CFR 60.2255(a), 401 KAR 59:020, Section 6]
- b. The permittee shall conduct an initial test for opacity as specified in 40 CFR 60.8. [40 CFR 60.4255(b)]
- c. After the initial test for opacity, the permittee shall conduct annual tests no more than 12 calendar months following the date of the previous test. [40 CFR 60.2255(c)]

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

4. Specific Monitoring Requirements:

- a. Material to be incinerated shall be weighed and videotaped while the material is loaded into the firebox. [401 KAR 52:020, Section 10]
- b. Daily charging rates and hours of operation, including start time and end time, shall be monitored. [401 KAR 59:020, Section 4; 401 KAR 52:020, Section 10]
- c. The permittee shall perform a qualitative visual observation of the opacity of emissions at each stack no less than once per day while the affected facility is operating. If visible emissions from the stack are observed (not including condensed water in the plume), the permittee shall determine the opacity using U.S. EPA Reference Method 9. In lieu of determining the opacity using U.S. EPA Reference Method 9, the permittee shall immediately perform a corrective action which results in no visible emissions (not including condensed water in the plume). [401 KAR 52:020, Section 10]

5. Specific Recordkeeping Requirements:

- a. Video recordings of material weights shall be maintained as a rolling 12-month total and retained for at least 5 years. [401 KAR 52:020, Section 10]
- b. Daily charging rates, including start time and end time, and hours of operation shall be recorded, maintained as a rolling 12-month total, and retained for at least 5 years. [401 KAR 59:020, Section 4; 401 KAR 52:020, Section 10]
- c. A log of the visual observations made as specified in **4. Specific Monitoring Requirements** c. including the date, time, initials of observer, whether any emissions were observed (yes/no), and any US EPA Reference Method 9 readings taken. [401 KAR 52:020, Section 10]
- d. The permittee shall keep records of the results of all initial and annual opacity tests onsite in either paper copy or electronic format, unless the Administrator approves another format for at least 5 years. [40 CFR 60.2260(b)]
- e. The permittee shall make all records available for submittal to the Administrator or for an inspector's onsite review. [40 CFR 60.2260(c)]

6. Specific Reporting Requirements:

- a. The permittee shall submit the results (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) of the initial opacity tests no later than 60 days following the initial test. Submit annual opacity test results within 12 months following the previous report. [40 CFR 60.2260(d)]
- b. The permittee shall submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date. [40 CFR 60.2260(e)]
- c. See **Section F - Monitoring, Recordkeeping, and Reporting Requirements.**

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

7. Specific Control Equipment Operating Conditions:

- a. The permittee shall operate control equipment to maintain compliance with permitted emission limitations, in accordance with manufacturer's specifications and good operating practices [401 KAR 52:020, Section 10].
- b. The permittee shall maintain records regarding the maintenance of the control equipment [401 KAR 52:020, Section 10].
- c. See **Section E - Source Control Equipment Requirements.**

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Unit 02****Kubota Stationary Diesel Engine****Description:**

Kubota compression ignition engine, Engine family 5KBXL02.0FAC
Model year: 2005; certification No.: KBX-NR3-05-14
88 HP, 1.99 L displacement, diesel fueled
Controls: None
Construction Date: 8/1/2007

APPLICABLE REGULATIONS:

401 KAR 60:005, Section 2(2)(dddd), 40 C.F.R. 60.4200 to 60.4219, Tables 1 to 8 (Subpart III), *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*

401 KAR 63:002, Section 2(4)(eeee), 40 C.F.R. 63.6580 through 63.6675, Tables 1a to 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 shall meet the requirements of 40 CFR Part 63 by meeting the requirements of 40 CFR 60, Subpart III. No further requirements apply for this engine under 40 CFR Part 63 [40 CFR 63.6590(c) and 63.6590(c)(1)].
- b. To preclude applicability of 401 KAR 51:052, *Review of new sources in or impacting nonattainment areas*, this emission unit shall not exceed 2,125 hours of operation per 12 consecutive months.

Compliance Demonstration Method:

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

- c. The permittee shall operate and maintain the stationary CI ICE that achieve the emission standards as required in 40 CFR 60.4204 over the entire life of the engine [40 CFR 60.4206].

Compliance Demonstration Method:

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

- d. The permittee shall use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010 may be used until depleted [40 CFR 60.4207(b)].
- e. The permittee shall do all of the following, except as permitted under 40 CFR 60.4211(g) [40 CFR 60.4211(a)]:

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

- i. Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions; [40 CFR 60.4211(a)(1)]
- ii. Change only those emission-related settings that are permitted by the manufacturer; and [40 CFR 60.4211(a)(2)]
- iii. Meet the requirements of 40 CFR Part 1068, as they apply to the permittee [40 CFR 60.4211(a)(3)].

Compliance Demonstration Method:

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

2. Emission Limitations:

The permittee shall comply with the emission standards for the engine as seen in Table 1 to 40 CFR 60 Subpart IIII [40 CFR 60.4204(a)].

Compliance Demonstration Method:

The permittee shall demonstrate compliance by either: [40 CFR 60.4211(b)]

- i. The permittee shall purchase an engine certified to emission standards for the same model year and maximum engine power as described in 40 CFR Parts 1039 and 1042, as applicable. The engine must be installed and configured according to the manufacturer's specifications [40 CFR 60.4211(b)(1)]. or;
- ii. If the permittee does not install, configure, operate, and maintain the engine and control device according to the manufacturer's emission-related written instructions, or changes emission-related settings in a way that is not permitted by the manufacturer, the permittee shall keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control ~~practice~~ for minimizing emissions. In addition, if the permittee does not install and configure the engine and control device according to the manufacturer's emission-related written instructions, or changes the emission-related settings in a way that is not permitted by the manufacturer, the permittee must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of such action [40 CFR 60.4211(g) and 60.4211(g)(1)].

3. Testing Requirements:

Testing shall be conducted at such times as may be requested by the cabinet in accordance with 401 KAR 50:045, Section 1.

4. Specific Monitoring Requirements:

- a. The permittee shall monitor hours of operation on a monthly basis [401 KAR 52:020, Section 10].

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

- b. If the engine is equipped with a diesel particulate filter to comply with the emission standards in 40 CFR 60.4204, the diesel particulate filter shall be installed with a backpressure monitor that notifies the permittee when the high backpressure limit of the engine is approached [40 CFR 60.4209(b)].
- c. See **Section F Monitoring, Recordkeeping, and Reporting Requirements.**

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of hours of operation on a rolling 12 month total basis [401 KAR 52:020, Section 10].
- b. If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the permittee shall keep records of any corrective action taken after the backpressure monitor has notified the permittee that the high backpressure limit of the engine is approached [40 CFR 60.4214(c)].
- c. The permittee shall maintain a copy of the engine certification and manufacturer's emission related written instructions on site [401 KAR 52:020, Section 10].
- d. See **Section F Monitoring, Recordkeeping, and Reporting Requirements.**

6. Specific Reporting Requirements:

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

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Unit 03****Wood and Ash Handling****Description:**

Wood and Ash Storage
Wood and Ash Handling
Wood and Ash Hauling

APPLICABLE REGULATIONS:

401 KAR 63:010, *Fugitive Emissions*

1. Operating Limitations:

- a. To preclude the applicability of 401 KAR 51:052, *Review of New Sources In or Impacting Nonattainment Areas*, the amount of material handled shall not exceed 16,256 tons per calendar year.

Compliance Demonstration Method:

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

- b. 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 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; [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)].

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

- c. If dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the secretary may, based on the cause, type, or amount of a fugitive emission, order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air. [401 KAR 63:010, Section 3(3)]
- d. At all times when 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)].
- e. 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 amount of material received and processed [401 KAR 52:020, Section 10].
- b. The permittee shall maintain records necessary to estimate annual tonnage hauled for plant roadways [401 KAR 52:020, Section 10].
- c. The permittee shall monitor the reasonable precautions taken to prevent particulate matter from becoming airborne on a daily basis.
- d. 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.

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

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of material received and processed on a monthly basis and as a rolling 12 month total [401 KAR 52:020, Section 10].
- b. The permittee shall maintain annual records estimating the tonnage hauled for plant roadways for emission inventory purposes [401 KAR 52:020, Section 10].
- c. The permittee shall maintain a log of the reasonable precautions taken to prevent particulate matter from becoming airborne, on a daily basis. Notation of the operating status, down-time, or relevant weather conditions are acceptable for entry to the log.
- d. The permittee shall maintain a log of the following:
 - i. Qualitative fugitive emissions observations conducted, including the date, time, initials of observer, whether any fugitive dust emissions were observed,
 - ii. Any Reference Method 22 performed and field records identified in Reference Method 22.
 - iii. Any corrective action taken and the results.

6. Specific Reporting Requirements:

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

SECTION C - INSIGNIFICANT ACTIVITIES

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

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. None	

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate matter emissions, nitrogen oxide emissions, and opacity, 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 51:052, *Review of new sources in or impacting nonattainment areas*, VOC and PM_{2.5}(=PM₁₀=PT) emissions from the air curtain incinerator shall not exceed 90 tons per year, each.
4. To preclude the applicability of 401 KAR 51:052, *Review of new sources in or impacting nonattainment areas*, the Kubota Stationary Engine (EU02) shall not exceed 2,125 hours of operation per 12 consecutive months.
5. To preclude the applicability of 401 KAR 51:052, *Review of new sources in or impacting nonattainment areas*, the amount of material handled in Wood and Ash Handling (EU03) shall not exceed 16,256 tons per calendar year.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

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

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five (5) years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b-IV-2 and 1a-8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020, Section 3(1)h, the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020, Section 23. If continuous emission and opacity monitors are required by regulation or this permit, data shall be

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

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

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

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

the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

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

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

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

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

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

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

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

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

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

2. Permit Expiration and Reapplication Requirements

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

3. Permit Revisions

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

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

No construction authorized by this permit (V-23-041).

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

7. Emergency Provisions

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - (4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.1-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - (5) This requirement does not relieve the source of other local, state or federal notification requirements.
- b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
 - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].
8. Ozone Depleting Substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.155.
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156 and 40 CFR 82.157.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
 - b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

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

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

SECTION I - COMPLIANCE SCHEDULE

N/A