AIR QUALITY PERMIT
Issued under 401 KAR 52:030

Permittee Name: Owensboro Paving Company
Mailing Address: P.O. Box 2000
Owensboro, KY 42303

Source Name: Owensboro Paving Company
Mailing Address: same as above
Source Location: 5001 Highway 2830
Owensboro, KY 42303

Permit ID: F-22-010
Agency Interest #: 978
Activity ID: APE20220002
Review Type: Conditional Major, Operating
Source ID: 21-059-00149

Regional Office: Owensboro Regional Office
3032 Alvey Park Dr. W., Suite 700
Owensboro, KY 42303
(270) 687-7304
County: Daviess

Application Complete Date: March 14, 2022
Issuance Date:
Expiration Date:

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

Version 4/1/2022
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<th>Activity#</th>
<th>Complete Date</th>
<th>Issuance Date</th>
<th>Summary of Action</th>
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<td>F-22-010</td>
<td>Renewal</td>
<td>APE20220002</td>
<td>3/14/2022</td>
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<td>Renewal of Permit F-17-012</td>
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Version 9/4/2019
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, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

<table>
<thead>
<tr>
<th>EP</th>
<th>Name</th>
<th>Capacity (tons/hr)</th>
<th>Construction Date</th>
<th>Control Device</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Rotary Dryer (Portable Drum Mix)</td>
<td>400</td>
<td>3/25/1994</td>
<td>Astec Baghouse</td>
</tr>
<tr>
<td>02</td>
<td>Rotary Dryer (Drum Mix)</td>
<td>400</td>
<td>4/1/2012</td>
<td>Astec Baghouse</td>
</tr>
</tbody>
</table>

APPLICABLE REGULATIONS:
401 KAR 52:090, Prohibitory rule for hot mix asphalt plants.

401 KAR 59:010, New process operations.

401 KAR 60:005, Section 2(2)(m) 40 C.F.R. 60.90 through 60.93 (Subpart I), Standards of Performance for Hot Mix Asphalt Facilities.

1. Operating Limitations:

   a. Hot mix asphalt plants shall meet the requirements below: [401 KAR 52:090, Section 3]
      1) Operational limits:
         Drum mix plants shall not produce more than 500,000 tons of asphalt during any consecutive twelve (12) month period.
      2) Fuel restrictions. Waste oil shall not be used as fuel in the production of asphalt unless the oil has been recycled. Recycled oil:
         i) Shall not contain more than:
            a) Five (5) ppm of arsenic;
            b) Two (2) ppm of cadmium;
            c) Ten (10) ppm of chromium;
            d) 100 ppm of lead; or
            e) 1000 ppm of total halogens; and
         ii) Shall have a minimum flash point of 100°F.

Compliance Demonstration Method:

Compliance is demonstrated by 5. Recordkeeping Requirements.

2. Emission Limitations:

   a. Particulate matter emissions into the open air shall not exceed 0.04 grains per dry standard cubic feet (gr/dscf). [40 CFR 60.92(a)(1)]
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

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 particulate matter from any affected facility which is in excess of the quantity specified in 401 KAR 59:010, Appendix A: [401 KAR 59:010, Section 3(2)]

1) For \( P \leq 0.5 \) ton/hr:\n\[ E = 2.34 \]
2) For \( P \) from 0.5 ton/hr to 30.00 ton/hr:\n\[ E = 3.59P^{0.62} \]
3) For \( P \) > 30.00 ton/hr:\n\[ E = 17.31P^{0.16} \]

Where:
\( E \) = rate of emission in lb/hr and;
\( P \) = process weight rate in tons/hr.

c. Any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity. [40 CFR 60.92(a)(2), 401 KAR 59:010, Section 3]

Compliance Demonstration Method:

Continuous compliance is demonstrated with 4. Monitoring Requirements, and 7. Specific Control Equipment Operating Conditions.

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 tons of asphalt produced each month. [401 KAR 52:030, Section 10]

b. The permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a daily basis while the affected facility is operating. If visible emissions from the stack are observed (not including condensed water in the plume), then 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 comply with the following method of monitoring the baghouse: [401 KAR 52:030, Section 10]

1) Install, calibrate, maintain, and operate a pressure drop monitoring device to monitor the differential pressure across the baghouse to ensure that pressure does not drop outside the pressure drop range specified by the manufacturer or established for the system.

2) Monitor the differential pressure reading across the baghouse daily during operation.

3) Following a reading outside of the established pressure drop range:
   i) Inspect the monitoring system, baghouse, and operations immediately; and take corrective action as soon as practicable.
ii) Upon completed corrective action, the permittee shall ensure pressure drop has returned to pressure drop range specified by the manufacturer or established for the system.

5. **Specific Recordkeeping Requirements:**

   a. The permittee shall maintain a record of the following for the visual observations:
      [401 KAR 52:030, Section 10]
      1) Result of the daily visual observations;
      2) Date (mm/dd/yyyy) of the observation made;
      3) Initials of the observer; and
      4) Corrective actions (if any).

   b. The permittee shall maintain a record of the following for the differential pressure reading:
      [401 KAR 52:030, Section 10]
      1) Daily pressure drop readings;
      2) Date (mm/dd/yyyy) of the reading;
      3) Inspections of the monitoring system, baghouse, and operations (if any); and
      4) Corrective actions taken as a result of a differential pressure reading outside of the pressure drop range (if any).

   c. The permittee shall maintain records as specified below: [401 KAR 52:090, Section 5]
      1) Logs shall be kept that show:
         i) The tons of asphalt produced for each month;
         ii) The tons of asphalt produced for each consecutive twelve (12) month period, computed by adding each month's production to the total production for the previous eleven (11) months; and
         iii) The type and amount of fuels used each month, as follows:
            a) Gaseous fuels usage, expressed in cubic feet or gallons and identified as natural gas (NAT), liquid propane gas (LPG), or liquid butane gas (LBG);
            b) Fuel oil usage, expressed in gallons and identified by number (i.e., #2, #4, etc.); and
            c) Additional information which the cabinet may request.
      2) Material Safety Data Sheets (MSDS) shall be maintained with the fuel usage log for all fuel oils purchased and used.
      3) The records shall be sufficient to determine actual emissions for each emission unit and shall be:
         i) Maintained on site for five (5) years from date of last entry in the log; and
         ii) Made available on request for inspection by the cabinet or the U.S. EPA.

d. A log shall be kept of all maintenance performed on each control device. [401 KAR 52:030, Section 10]

6. **Specific Reporting Requirements:**

   See Section F
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:

   a. The baghouses associated with Emission Points 01 01 and 02 02 shall control particulate emissions and shall be in place, properly maintained, and in operation in accordance with the manufacturer’s specifications and/or standard operating procedures at all times the associated emission points are in use. A log shall be kept of all routine and non-routine maintenance performed on each control device. The permittee shall record the occurrence, duration, cause, and any corrective action taken for each incident when the emission points are in operation, but the associated baghouse is not.

   b. See Section E for additional requirements.
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

### Portable Drum Mix Plant

<table>
<thead>
<tr>
<th>EP</th>
<th>Name</th>
<th>Capacity (tons/hr)</th>
<th>Construction Date</th>
</tr>
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<tbody>
<tr>
<td>03 01</td>
<td>Aggregate Handling</td>
<td>400</td>
<td></td>
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<tr>
<td>03 02</td>
<td>Stockpiles</td>
<td>400</td>
<td>3/25/1994</td>
</tr>
<tr>
<td>03 03</td>
<td>Silo Filling</td>
<td>400</td>
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</tr>
<tr>
<td>03 04</td>
<td>Plant Loadout</td>
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### Drum Mix Plant

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<td>04 01</td>
<td>Aggregate Handling</td>
<td>400</td>
<td>4/1/2012</td>
</tr>
<tr>
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<td>Stockpiles</td>
<td>400</td>
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<tr>
<td>04 03</td>
<td>Silo Filling</td>
<td>400</td>
<td></td>
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<tr>
<td>04 04</td>
<td>Plant Loadout</td>
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### Haul Road and Yard Area

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<th>Capacity (tons/hr)</th>
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<tbody>
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<td>05 01</td>
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<td>05 02</td>
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### RAP Unit (Portable Drum Plant)

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<th>Capacity (tons/hr)</th>
<th>Construction Date</th>
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<td>06 01</td>
<td>Loadout (To RAP Stockpile)</td>
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<tr>
<td>06 02</td>
<td>RAP Stockpiles</td>
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<td>06 03</td>
<td>Loadout (From RAP Stockpile to RAP Receiving Hopper)</td>
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<tr>
<td>06 04</td>
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SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

RAP Unit (Drum Plant)

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<th>Capacity (tons/hr)</th>
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<td>08 01</td>
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<tr>
<td>08 02</td>
<td>RAP Stockpiles</td>
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<tr>
<td>08 03</td>
<td>Loadout (From RAP Stockpile to RAP Receiving Hopper)</td>
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<td></td>
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<tr>
<td>08 04</td>
<td>RAP Receiving Hopper (Dual 10’x14’)</td>
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<td>08 05</td>
<td>RAP Conveyor and Transfer Points (36”) (To RAP Screen)</td>
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<td>08 06</td>
<td>RAP Screen (4’ x 8’ Double Deck-Scalping)</td>
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RAS Unit

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<td>12 02</td>
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<tr>
<td>12 03</td>
<td>Loadout (From RAS Stockpile)</td>
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</tr>
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</table>

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)]

   1) 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;

   2) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;

   3) 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.
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
5) The maintenance of paved roadways in a clean condition; or
6) The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.

b. If dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the secretary may, based on the cause, type, or amount of a fugitive emission, order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air. [401 KAR 63:010, Section 3(3)]

c. At all times while in motion, open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered. [401 KAR 63:010, Section 4(1)]

d. A person shall not cause, suffer, or allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. [401 KAR 63:010, Section 4(3)]

e. The permittee shall not recycle shingles that contain asbestos. [40 CFR 61, Subpart M]

2. Emission Limitations:

A person shall not cause, suffer, or allow visible fugitive dust emissions beyond the lot line of the property on which the emissions originate, as determined by Reference Method 22 of Appendix A in 40 C.F.R. Part 60, for: [401 KAR 63:010, Section 3(2)]

a. More than five (5) minutes of emission time during any sixty (60) minute observation period; or
b. More than twenty (20) minutes of emission time during any twenty-four (24) hour period.

3. Testing Requirements:

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

4. Specific Monitoring Requirements:

a. The permittee shall monitor the reasonable precautions taken to prevent particulate matter from becoming airborne on a daily basis.
b. If fugitive dust emissions beyond the lot line of the property are observed, the permittee shall conduct Reference Method 22 (visual determination of fugitive emissions) observations per Appendix A of 40 C.F.R. Part 60. In lieu of conducting U.S. EPA Reference Method 22, the permittee shall immediately perform a corrective action which results in no visible fugitive dust emissions beyond the lot line of the property.

5. **Specific Recordkeeping Requirements:**
   
a. The permittee shall maintain a log of the reasonable precautions taken to prevent particulate matter from becoming airborne, on a daily basis. Notation of the operating status, down-time, or relevant weather conditions are acceptable for entry to the log.

b. The permittee shall maintain a log of the following:
   1) Any Reference Method 22 performed and field records identified in Reference Method 22.
   2) Any corrective action taken and the results.

c. Notation of the operating status, down-time, or relevant weather conditions are acceptable for entry to the log.

d. The permittee shall maintain records of the following information for each shipment of shingles that will be recycled.
   1) The supplier’s name, address, and phone number, along with a certification that the shingles came from a residential structure or contain no asbestos, if the supplier is a licensed recycler.
   2) If the supplier is an individual or non-licensed recycler, the signed certification from the supplier shall:
      i) For residential shingles, the name of the home owner along with the residential address.
      ii) Non-residential shingles cannot be accepted unless accompanied by test results that identify that there no asbestos is present in the shingles.

6. **Specific Reporting Requirements:**

   See Section F
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

<table>
<thead>
<tr>
<th>EP</th>
<th>Name</th>
<th>Capacity (tons/hr)</th>
<th>Construction Date</th>
<th>Control Device</th>
</tr>
</thead>
<tbody>
<tr>
<td>07 01</td>
<td>RAP Crusher (Turbo RAP Gator)</td>
<td>100</td>
<td></td>
<td>Wet Suppression</td>
</tr>
<tr>
<td>07 02</td>
<td>RAP Conveyor and Transfer Points (To RAP Screens)</td>
<td>100</td>
<td>10/1/2001</td>
<td></td>
</tr>
<tr>
<td>07 03</td>
<td>RAP Screen (2-4’x5’ Double-Deck Vibrating Scalping)</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>07 04</td>
<td>RAP Conveyor and Transfer Points (To Rotary Dryer)</td>
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</tr>
</tbody>
</table>

APPLICABLE REGULATIONS:
401 KAR 60:005, Section 2(2)(qqq) 40 C.F.R. 60.670 through 60.676, Tables 1 through 3 (Subpart OOO), Standards of Performance for Nonmetallic Mineral Processing Plants

1. **Operating Limitations:**

   Each Emission Unit shall not exceed maximum operating rate stated in the table above.

2. **Emission Limitations:**

   a. As specified in Table 3 to 40 CFR 60, Subpart OOO, fugitive emissions from any affected facility that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008, shall not exhibit greater than ten percent (10%) opacity, each, except as specified in 2. **Emission Limitations** b. and c., below. [40 CFR 60.672(b)]

   b. As specified in Table 3 to 40 CFR 60, Subpart OOO, fugitive emissions from any crusher, that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008, at which a capture system is not used, shall not exhibit greater than fifteen percent (15%) opacity. [40 CFR 60.672(b)]

   c. Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of 40 CFR 60.672. [40 CFR 60.672(d)]

**Compliance Demonstration Method:**

In determining initial compliance with the opacity standards as listed above, the owner or operator shall use EPA Reference Method 9 of Appendix A-4 of 40 CFR part 60 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(b)(2) and (c).
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

a. As specified in 40 CFR 60.675(e)(1), for the EPA Reference Method 9 testing listed under 40 CFR 60.675(c), if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:
   1) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emission stream.
   2) Separate the emissions so that the opacity of emissions from each affected facility can be read.

b. As specified in 40 CFR 60.675(e)(2), a single emission observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions are met:
   1) No more than three emission points may be read concurrently.
   2) All three emission points shall be within a seventy degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.
   3) If an opacity reading for one of the three emission points equals or exceeds the applicable standard, then the observer shall stop taking readings for the other two points and continue reading just that single point.

c. As specified in 40 CFR 60.675(i), if the initial performance test date for an affected facility falls during a seasonal shutdown (as defined in 40 CFR 60.671) of the affected facility, then with approval from the Division, the owner or operator may postpone the initial performance test until no later than sixty calendar days after resuming operation of the affected facility.

d. Pursuant to 40 CFR 60.675(c)(1), for EPA Reference Method 9 performance tests used to determine opacity, the following additions apply:
   1) The minimum distance between the observer and the emission source shall be 15 feet.
   2) The observer shall, when possible, select a position that minimizes interference from other fugitive emissions sources (e.g. road dust). The required observer position relative to the sun (Method 9 of Appendix A-4 of 40 CFR part 60, Section 2.1) shall be followed.
   3) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist shall not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

e. Pursuant to 40 CFR 60.675(c)(3), for EPA Reference Method 9 performance tests used to determine compliance with the opacity standards, above, the duration of the Method 9 observations shall be 30 minutes (five 6-minute averages). Compliance with the applicable fugitive emissions limits shall be based on the average of the five 6-minute averages.
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

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

4. **Specific Monitoring Requirements:**

The owner or operator shall conduct daily visual observations to ensure units are operating as intended for control of dust emissions.

5. **Specific Recordkeeping Requirements:**

   a. The owner or operator shall maintain a record of daily visual observations, corrective actions taken, if any, the date of the observations (mm/dd/yyyy) and the initials of the observer.

   b. The permittee shall maintain records of the EPA Reference Method 9 readings, including results, emission unit ID (number or name), date (mm/dd/yyyy), time, weather conditions, and trained Method 9 operator who performed the reading.

   c. Records shall be kept onsite with hard or electronic copies (whichever is requested) of the logbook available to the Division upon request.

6. **Specific Reporting Requirements:**

   a. As specified in 40 CFR 60.676(i)(2), portable aggregate processing plants shall include both the home office and the current address or location of the portable plant in the notification of the actual date of initial startup.

   b. As specified in 40 CFR 60.676(f), the owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in 40 CFR 60.672 of this subpart, including reports of opacity observations made using EPA Reference Method 9 (40 CFR part 60, appendix A-4) to demonstrate compliance with 40 CFR 60.672(b), (e) and (f).

   c. As specified in 40 CFR 60.676(a), each owner or operator seeking to comply with 40 CFR 60.670(d) shall submit to the Division the following information about the existing facility being replaced and the replacement piece of equipment.

      1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:
         i) The rated capacity in tons per hour of the existing facility being replaced and
         ii) The rated capacity in tons per hour of the replacement equipment.

      2) For a screening operation:
         i) The total surface area of the top screen of the existing screening operation being replaced and
         ii) The total surface area of the top screen of the replacement screening operation.
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3) For a conveyor belt:
   i) The width of the existing belt being replaced, and
   ii) The width of the replacement conveyor belt.

4) For a storage bin:
   i) The rated capacity in tons of the existing storage bin being replaced and
   ii) The rated capacity in tons of the replacement storage bins.

d. As specified in 40 CFR 60.676(g), the owner or operator of any wet material processing operation that processes saturated and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change to the Division. At the time of such change, this screening operation, bucket elevator, or belt conveyor becomes subject to the applicable opacity limit in 40 CFR 60.672(b) and the emission test requirements of 40 CFR 60.11.

e. Pursuant to 40 CFR 60.675(g), for performance tests involving only EPA Reference Method 9 testing, the owner or operator may reduce the 30-day advance notification of performance test in 40 CFR 60.7(a)(6) and 60.8(d) to a 7-day advance notification.

f. The semi-annual report shall contain, as a minimum, a summary of the following information:
   1) Daily monitoring performed
   2) Deviations from permit requirements as described in Section F.8.
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

<table>
<thead>
<tr>
<th>EP</th>
<th>Name</th>
<th>Capacity (mmBtu/hr)</th>
<th>Construction Date</th>
<th>Control Device</th>
</tr>
</thead>
<tbody>
<tr>
<td>09 01</td>
<td>Liquid Asphalt Heater (Indirect Heat Exchanger) (Gentec)</td>
<td>2.1</td>
<td>3/25/1994</td>
<td>None</td>
</tr>
<tr>
<td>10 01</td>
<td>Liquid Asphalt Heater (Indirect Heat Exchanger Heatec Model HC-200 w/ PowerflameC2-GO-20B Burner</td>
<td>3.08</td>
<td>4/1/2012</td>
<td>None</td>
</tr>
<tr>
<td>11 01</td>
<td>Liquid Asphalt Storage Tank Heater (Indirect Heat Exchanger American Heating Company Model# AHE-1000)</td>
<td>11.44</td>
<td>3/1/2010</td>
<td>None</td>
</tr>
</tbody>
</table>

APPLICABLE REGULATIONS:
401 KAR 59:015, New indirect heat exchangers.

401 KAR 60:005, Section 2(2)(d) 40 C.F.R. 60.40c through 60.48c, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

1. Operating Limitations:
   a. Pursuant to 401 KAR 59:015, Section 7(1)(a), the permittee shall comply with 401 KAR 50:055, Section 2(5).
   b. Pursuant to 401 KAR 59:015, Section 7(1)(b), the frequency and duration of startup periods or shutdown periods shall be minimized by the affected facility.
   c. Pursuant to 401 KAR 59:015, Section 7(1)(c), all reasonable steps shall be taken by the permittee to minimize the impact of emissions on ambient air quality from the affected facility during startup periods and shutdown periods.
   d. Pursuant to 401 KAR 59:015, Section 7(1)(d), the actions, including duration of the startup period, during startup periods, and shutdown periods, shall be documented by signed, contemporaneous logs or other relevant evidence.
   e. Pursuant to 401 KAR 59:015, Section 7(1)(e), startups and shutdowns shall be conducted according to either:
      1) The manufacturer’s recommended procedures or,
      2) Recommended procedures for a unit of similar design, for which manufacturer’s recommended procedures are available, as approved by the Cabinet based on documentation provided by the permittee.
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method:

See 5. Specific Recordkeeping Requirements d.

2. Emission Limitations:

a. Emissions from each affected facility shall not exceed the following:

<table>
<thead>
<tr>
<th>Pollutants</th>
<th>EP 09 01</th>
<th>EP 10 01</th>
<th>EP 11 01</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable PM Emissions</td>
<td>0.56</td>
<td>0.50</td>
<td>0.52</td>
<td>401 KAR 59:015 Section 4(1)(c)</td>
</tr>
<tr>
<td>(lb/mmBtu)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowable SO2 Emissions</td>
<td>3.00</td>
<td>2.44</td>
<td>2.65</td>
<td>401 KAR 59:015 Section 5(1)(c)</td>
</tr>
<tr>
<td>(lb/mmBtu)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowable Opacity</td>
<td></td>
<td></td>
<td>20*</td>
<td>401 KAR 59:015 Section 4(2)</td>
</tr>
</tbody>
</table>

*Pursuant to 401 KAR 59:015 Section 4(2)(b), a maximum of forty (40) percent opacity shall be allowed for a maximum of six (6) consecutive minutes in any sixty (60) consecutive minutes during fire box cleaning or soot blowing. *During building a new fire, emissions required to bring the heater up to operating conditions shall be permissible, 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)]

b. Pursuant to 40 CFR 60.42c(d), fuel oil combusted in the liquid asphalt terminal heater, EP 11 01, shall not contain greater than 0.5 weight percent sulfur.

Compliance Demonstration Method:

a. The affected facility is assumed to be in compliance with the particulate matter (PM), sulfur dioxide (SO2), and opacity standards while burning natural gas.

b. Where the owner or operator seeks to demonstrate compliance with the fuel oil SO2 standards based on fuel supplier certification, the performance test shall consist of the certification from the fuel supplier, as described in 40 CFR 60.48c(f), as applicable [40 CFR 60.44c(h)].

3. Testing Requirements:

Testing shall be conducted at such times as may be requested by the Cabinet. [401 KAR 50:045, Section 1 and 401 KAR 59:005, Section 2(2)]
SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. **Specific Monitoring Requirements:**

   The permittee shall monitor the hours of operation and the fuel usage for both natural gas (mmscf) and fuel oil no. 2 (1,000 gallons) from each heater on a monthly basis. [401 KAR 52:030, Section 10]

5. **Specific Recordkeeping Requirements:**

   a. The permittee shall maintain records in accordance with 4. Monitoring Requirements. [401 KAR 52:030, Section 10]

   b. Pursuant to 40 CFR 60.48c(e), the owner or operator of each affected facility subject to fuel oil sulfur limits, shall keep records including calendar dates covered in the reporting period. Pursuant to 40 CFR 60.48c(f), records of fuel supplier certification shall include the name of the oil supplier, a statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in 40 CFR 60.41c, and the sulfur content or maximum sulfur content of the oil.

   c. Pursuant to 40 CFR 60.48c(i), all records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

   d. The permittee shall keep records of the manufacturer’s recommended procedures for startup and shutdown. [401 KAR 52:030, Section 10]

6. **Specific Reporting Requirements:**

   a. Pursuant to 40 CFR 60.48c(d) and (e), the owner or operator of each affected facility subject to fuel oil sulfur limits, shall submit reports including calendar dates covered in the reporting period, if used, records of fuel supplier certification. The report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the secondary fuel combusted during the reporting period.

   b. See Section F
**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.

<table>
<thead>
<tr>
<th>Description</th>
<th>Generally Applicable Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Liquid Asphalt Cement Heated Storage Tank</td>
<td>N/A</td>
</tr>
<tr>
<td>148’ x 48’-6,000,000 Gallon Capacity</td>
<td></td>
</tr>
<tr>
<td>2. Liquid Asphalt Cement Heated Storage Tank</td>
<td>N/A</td>
</tr>
<tr>
<td>148’ x 48’-6,000,000 Gallon Capacity</td>
<td></td>
</tr>
<tr>
<td>3. Liquid Asphalt Cement Blending Tank</td>
<td>N/A</td>
</tr>
<tr>
<td>60’ x 48’-1,000,000 Gallon Capacity</td>
<td></td>
</tr>
<tr>
<td>4. Liquid Asphalt Cement Truck Loading</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Throughput: 24,000,000 Gallons</td>
<td></td>
</tr>
</tbody>
</table>
SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the Cabinet Provisions and Procedures for Issuing 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 (PM and PM$_{10}$), carbon monoxide (CO), nitrogen oxides (NO$_x$), sulfur dioxide (SO$_2$), volatile organic compound (VOC), and hazardous air pollutant (HAP) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

3. To preclude applicability of 401 KAR 52:020, Title V permits, the source-wide emission limits of particulate matter emissions (PM$_{10}$) shall not exceed 95 tons per twelve (12) month consecutive period.

4. A record shall be maintained showing the monthly amount of asphalt produced by each asphalt plant, in tons, and a rolling twelve (12) month total of asphalt production by each asphalt plant, obtained by adding each month’s total to those for the previous eleven (11) months.
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.

5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources incorporated by reference in 401 KAR 52:030, Section 26].
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
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, Owensboro Regional Office, 3032 Alvey Park Drive W., Suite 700, Owensboro, KY 42303-2191.

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 is authorized by this permit.
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 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.


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.


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