

**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: Smithfield Packaged Meats Corp.
Mailing Address: 800 CW Stevens Blvd.
Grayson, KY 41143

Source Name: Smithfield Packaged Meats Corp - Grayson
Mailing Address: 800 CW Stevens Blvd.
Grayson, KY 41143

Source Location: 800 CW Stevens Blvd., Grayson, KY 41143

Permit: V-25-031
Agency Interest: 725
Activity: APE20250001
Review Type: Title V, Operating
Source ID: 21-043-00038

Regional Office: Ashland Regional Office
1550 Wolohan Drive, Suite 1
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County: Carter

**Application
Complete Date:** November 12, 2025
Issuance Date:
Expiration Date:

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

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Permit	Permit Type	Activity#	Complete Date	Issuance Date	Summary of Action
V-25-031	Renewal	APE20250001	11/12/2025		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 Units: EU01 & EU02 Two(2) Natural Gas-Fired Indirect Heat Exchanger

Description: Two(2) Natural Gas-Fired Indirect Heat Exchanger

Emission Units:	Description:	Manufacturer	Model	Maximum Continuous Rating	Fuel	Construction Commenced
EU01 EU02	Indirect Heat Exchanger	Kewanee	H35-250	10.46 MMBtu/hr (each)	Natural Gas	1991

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*

STATE-ORIGIN REQUIREMENT:

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

1. Operating Limitations:

During a startup period or a shutdown period, the permittee shall comply with the work practice standards established in this section: [401 KAR 59:015, Section 7]

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

Compliance Demonstration Method:

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

2. Emission Limitations:

- a. The permittee shall not cause emissions of particulate matter in excess of 0.43 lb/MMBtu actual heat input. [401 KAR 59:015, Section 4(1)(c)]

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

- b. The permittee shall not cause emissions of particulate matter in excess of 20 percent opacity, except: [401 KAR 59:015, Section 4(2)]
 - i. A maximum of 40 percent opacity shall be permissible for not more than 6 consecutive minutes during in any 60 consecutive minutes during cleaning the fire box or blowing soot. [401 KAR 59:015, Section 4(2)(b)]
 - ii. During building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations. [401 KAR 59:015, Section 4(2)(c)]
- c. The permittee shall not cause emissions of gases that contain sulfur dioxide in excess of 1.93 lb/MMBtu actual heat input. [401 KAR 59:015, Section 5(1)(c)2.b.]

Compliance Demonstration Method:

These units are assumed to be in compliance with the allowable PM, opacity, and SO₂ limitations while burning natural gas. [401 KAR 50:045, Section 4(3)(c)1.]

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

Compliance Demonstration Method:

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

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)]

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of fuel combusted (MMscf) during each calendar month. [40 CFR 60.48c(g)(2) and 401 KAR 52:020, Section 10]

5. Specific Recordkeeping Requirements:

- a. The permittee shall record the amount of fuel combusted (MMscf) during each calendar month. [40 CFR 60.48c(g)(2) and 401 KAR 52:020, Section 10]
- b. All records shall be maintained by the permittee for a period of two years following the date of such record. [40 CFR 60.48c(i)]
- c. The permittee shall keep records of the manufacturer's recommended procedures for startup and shutdown, any instance in which the recommended procedures were not followed, and any corrective actions taken. [401 KAR 52:020 Section 10]

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

6. Specific Reporting Requirements:

- a. The reporting period for the reports required in 40 CFR 60, Subpart Dc, is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period. [40 CFR 60.48c(j)]
- b. See **Section F, Monitoring, Recordkeeping, and Reporting Requirements.**

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

Emission Units: EU03 & EU04

Two(2) Indirect Heat Exchangers

Description: Two(2) Indirect Heat Exchangers

Emission Units:	Manufacturer	Model	Maximum Continuous Rating	Fuel		Construction Commenced
				Primary	Secondary	
EU03	Kewanee	H3S-100-G	4.16 MMBtu/hr	Natural Gas		1991
EU04	York Shipley	560C-H3D-100-W030-NM-CFD	4.19 MMBtu/hr	Biogas	Natural Gas	2014

APPLICABLE REGULATIONS:

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

STATE-ORIGIN REQUIREMENT:

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

1. Operating Limitations:

During a startup period or a shutdown period, the permittee shall comply with the work practice standards established in this section [401 KAR 59:015, Section 7]

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

Compliance Demonstration Method:

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

2. Emission Limitations:

- a. The permittee shall not cause emissions of particulate matter in excess of 0.43 lb/MMBtu actual heat input. [401 KAR 59:015, Section 4(1)(c)]

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

- b. The permittee shall not cause emissions of particulate matter in excess of 20 percent opacity, except: [401 KAR 59:015, Section 4(2)]
 - i. A maximum of 40 percent opacity shall be permissible for not more than 6 consecutive minutes during in any 60 consecutive minutes during cleaning the fire box or blowing soot. [401 KAR 59:015, Section 4(2)(b)]
 - ii. During building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations. [401 KAR 59:015, Section 4(2)(c)]
- c. The permittee shall not cause emissions of gases that contain sulfur dioxide in excess of 1.93 lb/MMBtu actual heat input. [401 KAR 59:015, Section 5(1)(c)2.b.]

Compliance Demonstration Method:

These units are assumed to be in compliance with the allowable PM, opacity, and SO₂ limitations while burning natural gas. [401 KAR 50:045, Section 4(3)(c)1.]

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

Compliance Demonstration Method:

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

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)]

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of fuel combusted (MMscf) during each calendar month. [401 KAR 52:020, Section 10]

5. Specific Recordkeeping Requirements:

- a. The permittee shall record the amount of fuel combusted (MMscf) during each calendar month. [401 KAR 52:020, Section 10]
- b. The permittee shall keep records of the manufacturer's recommended procedures for startup and shutdown, any instance in which the recommended procedures were not followed, and any corrective actions taken. [401 KAR 52:020 Section 10]

6. Specific Reporting Requirements:

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

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

Emissions Unit: EU05 – EU14

Ten(10) Batch Smokehouse Ovens

Description: Ten(10) Batch Smokehouse Ovens for the smoking and cooking of meats

Emission Units:	Maximum Continuous Rating	Process Throughput Rate	Primary Fuel	Manufacturer	Control Device	Construction Commenced:
EU05	4.0 MMBtu/hr (each)	4,400 lbs meat/hr (each)	Natural Gas	Alkar	Wet Scrubber (each)	1991
EU06						
EU07						
EU08						
EU09						
EU10						
EU11						
EU12						
EU13						
EU14						

APPLICABLE REGULATIONS:

401 KAR 59:010, *New process operations*

STATE-ORIGIN REQUIREMENTS:

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

1. Operating Limitations:

N/A

2. Emission Limitations:

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

Compliance Demonstration Method:

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

- b. No person shall cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack associated with any affected facility which is equal to or greater than 20 percent opacity. [401 KAR 59:010, Section 3(1)(a)]

Compliance Demonstration Method:

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

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

- c. For emissions from a control device or stack no person shall cause, suffer, allow, or permit the emission into the open air of particulate matter in excess of 2.34 lb/hr: [401 KAR 59:010, Section 3(2), and 401 KAR 59:010, Section 5, Appendix A]

Compliance Demonstration Method:

These units are assumed to be in compliance with the allowable PM limitation while burning natural gas based on the potential to emit for these emission units. [401 KAR 50:045, Section 4(3)(c)1.]

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)]

4. Specific Monitoring Requirements:

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

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of the meat processed (tons) and natural gas combusted (MMscf) by the ovens combined on a calendar month basis. [401 KAR 52:020, Section 10]
- b. The permittee shall maintain a log of any qualitative visual observations of emissions from the stack, any corrective actions performed and any U.S. EPA Reference Method 9 readings performed. [401 KAR 52:020, Section 10]
- c. See **Section F – Monitoring, Recordkeeping, and Reporting Requirements.**

6. Specific Reporting Requirements:

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

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

Emission Units: EU5WS - EU14WS Ten(10) Electric Smoke Generator Units

Description: Ten(10) Electric Smoke Generators for the natural smoking of meats by heating the sawdust / hardwood chips to a point of smothering but not igniting and then sent the smoke to the associated smokehouse oven.

Emission Units:	Maximum Continuous Rating	Process Throughput Rate	Primary Fuel	Manufacturer	Model	Control Device	Construction Commenced
EU5WS	26 lb wood/hr (each)	4,400 lb meat/hr (each)	Sawdust and Hardwood Chips	Friedrich	NS-80-1	Wet Scrubber (each)	2009
EU6WS							
EU7WS							
EU8WS							
EU9WS							
EU10WS							
EU11WS							
EU12WS							
EU13WS							
EU14WS							

APPLICABLE REGULATIONS:

401 KAR 59:010, *New process operations*

STATE-ORIGIN REQUIREMENTS:

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

PRECLUDED REGULATIONS:

401 KAR 51:017, *Prevention of significant deterioration of air quality*

1. Operating Limitations:

The permittee shall not use in excess of 280 tons/yr of sawdust and hardwood chips total based on a rolling twelve (12) month rolling total for all the electric smoke generator units. [To preclude 401 KAR 51:017]

Compliance Demonstration Method:

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

2. Emission Limitations:

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

Compliance Demonstration Method:

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

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

- b. No person shall cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack associated with any affected facility which is equal to or greater than 20 percent opacity. [401 KAR 59:010, Section 3(1)(a)]

Compliance Demonstration Method:

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

- c. For emissions from a control device or stack no person shall cause, suffer, allow, or permit the emission into the open air of particulate matter in excess of 2.34 lb/hr: [401 KAR 59:010, Section 3(2), and 401 KAR 59:010, Section 5, Appendix A]

Compliance Demonstration Method:

These units are assumed to be in compliance with the allowable PM limitation while operating based on the potential to emit for these emission units. [401 KAR 50:045, Section 4(3)(c)1.]

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)]

4. Specific Monitoring Requirements:

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

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of the amount of sawdust and hardwood chips used (tons) on a monthly and 12-month rolling total basis. [401 KAR 52:020, Section 10]
- b. The permittee shall maintain a log of any qualitative visual observations of emissions from the stack, any corrective actions performed and any U.S. EPA Reference Method 9 readings performed. [401 KAR 52:020, Section 10]
- c. See **Section F – Monitoring, Recordkeeping, and Reporting Requirements.**

6. Specific Reporting Requirements:

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

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

Emissions Unit: EU15

Flare (Biogas)

Description:

Emission Unit:	Description	Maximum Continuous Rating	Fuel	Manufacturer	Model	Construction Commenced
EU15	Flare (Biogas)	4.16 MMBtu/hr (64 cubic feet/min digester)	Biogas	Varec	244W	1991

APPLICABLE REGULATIONS:

401 KAR 63:015, Flare

1. Operating Limitations:

The permittee shall operate the flare only when Emission Unit 04 (EU04) is down for service.

2. Emission Limitations:

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

Compliance Demonstration Method:

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

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)]

4. Specific Monitoring Requirements:

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

5. Specific Recordkeeping Requirements:

- The permittee shall record the amount of fuel combusted (MMscf) during each calendar month. [401 KAR 52:020, Section 10]
- The permittee shall maintain a log of any qualitative visual observations of emissions from the stack, any corrective actions performed and any U.S. EPA Reference Method 9 readings performed. [401 KAR 52:020, Section 10]
- The permittee shall maintain records of all routine and non-routine maintenance activities performed at the flare. [401 KAR 52:020, Section 10]

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

6. Specific Reporting Requirements:

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

7. Specific Control Equipment Operating Conditions:

Records regarding the maintenance of the control equipment shall be maintained. [401 KAR 52:020, Section 10]

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

Emission Unit: EU16 **Natural Gas-Fired Emergency Generator Engine**

Description:

Emission Unit:	Maximum Continuous Rating	Manufacturer	Year	Primary Fuel	Construction Commenced
		Model	Serial Number		
16	60 kW, 98 HP, 0.8108 MMBtu/hr	Generac	2023	Natural Gas	December 2024
		SG060	#3013773023		

APPLICABLE REGULATIONS:

401 KAR 60:005 Section 2(2)(eeee), 40 C.F.R. 60.4230 through 60.4248, Tables 1 through 4 (**Subpart JJJJ**), *Standards of Performance for Stationary Spark Ignition Internal Combustion Engines*

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

1. Operating Limitations:

- a. The permittee shall meet the requirements of 40 CFR part 63 by meeting the requirements of 40 CFR 60, Subpart JJJJ, for spark ignition engines. No further requirements apply for this engine under 40 CFR part 63. [40 CFR 63.6590(c)(1)]
- b. The permittee shall operate and maintain stationary engines that achieve the emission standards as required in 40 CFR 60.4233 over the entire life of the engine. [40 CFR 60.4234]
- c. The permittee shall install a non-resettable hour meter upon startup of the emergency engine. [40 CFR 60.4237(c)]
- d. The permittee shall operate the emergency engine according to the requirements in 40 CFR 60.4243(d)(1) through 40 CFR 60.4243(d)(3). In order for the engine to be considered an emergency engine under 40 CFR 60, Subpart JJJJ, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in 40 CFR 60.4243(d)(1) through 40 CFR 60.4243(d)(3), is prohibited. If the permittee does not operate the engine according to the requirements in 40 CFR 60.4243(d)(1) through 40 CFR 60.4243(d)(3), the engine will not be considered an emergency engine under 40 CFR 60, Subpart JJJJ and shall meet all requirements for non-emergency engines. [40 CFR 60.4243(d)]
 - i. There is no time limit on the use of emergency engine in emergency situations. [40 CFR 60.4243(d)(1)]
 - ii. The permittee may operate the emergency engine for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by 40 CFR 60.4243(d)(3) counts as part of the 100

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

- hours per calendar year allowed by 40 CFR 60.4243(d)(2). The permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year. [40 CFR 60.4243(d)(2) and (d)(2)(i)]
- iii. Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in 40 CFR 60.4243(d)(2). Except as provided in 40 CFR 60.4243(d)(3)(i), the 50 hours per year for nonemergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 60.4243(d)(3)]
1. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met: [40 CFR 60.4243(d)(3)(i)]
 - A. The engine is dispatched by a local balancing authority or local transmission and distribution system operator. [40 CFR 60.4243(d)(3)(i)(A)]
 - B. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region. [40 CFR 60.4243(d)(3)(i)(B)]
 - C. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines. [40 CFR 60.4243(d)(3)(i)(C)]
 - D. The power is provided only to the facility itself or to support the local transmission and distribution system. [40 CFR 60.4243(d)(3)(i)(D)]
 - E. The permittee identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine permittee. [40 CFR 60.4243(d)(3)(i)(E)]
 - e. The permittee may operate the engine using propane for a maximum of 100 hours per year as an alternative fuel solely during emergency operations, but shall keep records of such use. If propane is used for more than 100 hours per year in an engine that is not certified to the emission standards when using propane, the permittee is required to conduct a performance test to demonstrate compliance with the emission standards of 40 CFR 60.4233. [40 CFR 60.4243(e)]
 - f. The permittee shall comply with the following applicable general provisions: 40 CFR 60.1 through 60.12, 60.14 through 60.17, and 60.19. [40 CFR 60.4246 referencing Table 3 to 40 CFR 60, Subpart JJJJ]

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**2. Emission Limitations:**

The permittee shall not exceed the following emission standards: [40 CFR 60.4233(d) referencing "Emergency" in Table 1 to 40 CFR 60, Subpart JJJJ]

- a. 10 g/HP-hr nitrogen oxides plus hydrocarbons (NO_x+HC).
- b. 387 g/HP-hr carbon monoxide (CO).

Compliance Demonstration Method:

The permittee shall demonstrate compliance according to one of the methods specified below [40 CFR 60.4243(b)]:

- I. Purchasing an engine certified according to procedures specified in 40 CFR 60, Subpart JJJJ, for the same model year and demonstrating compliance according to one of the methods specified in 40 CFR 60.4243(a). [40 CFR 60.4243(b)(1)]
 - a. If the permittee operates and maintains the certified engine and control device according to the manufacturer's emission-related written instructions, the permittee shall keep records of conducted maintenance to demonstrate compliance, but no performance testing is required. The permittee shall also meet the requirements of 40 CFR part 1068, Subparts A through D, as they apply. If the permittee adjusts engine settings according to and consistent with the manufacturer's instructions, the engine will not be considered out of compliance. [40 CFR 60.4243(a)(1)]
 - b. If the permittee does not operate and maintain the certified engine and control device according to the manufacturer's emission-related written instructions, the engine will be considered a non-certified engine, and the permittee shall keep a maintenance plan and records of conducted maintenance to demonstrate compliance and shall, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions, but no performance testing is required. [40 CFR 60.4243(a)(2) and (a)(2)(i)]
- II. Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in 40 CFR 60.4233(d) and according to the requirements specified in 40 CFR 60.4244, as applicable. The permittee shall keep a maintenance plan and records of conducted maintenance and shall, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, the permittee shall conduct an initial performance test to demonstrate compliance. The permittee is not required to conduct subsequent performance testing unless the engine undergoes rebuild, major repair or maintenance. [40 CFR 60.4243(b)(2) and (b)(2)(i) and 40 CFR 60.4243(f)]

3. Testing Requirements:

- a. Testing shall be conducted at such times as may be requested by the Cabinet. [401 KAR 50:045, Section 1]
- b. If the permittee is required to conduct performance testing, the permittee shall follow the procedures in 40 CFR 60.4244(a) through 40 CFR 60.4244(f). [40 CFR 60.4244]

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of fuel combusted (MMscf) during each calendar month. [401 KAR 52:020, Section 10]

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

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain a log of source-wide natural gas consumption and hours of operation on a monthly basis. [401 KAR 52:020, Section 10]
- b. The permittee shall keep records of the information listed below: [40 CFR 60.4245(a)]
 - i. All notifications submitted to comply with 40 CFR 60, Subpart JJJJ and all documentation supporting any notification. [40 CFR 60.4245(a)(1)]
 - ii. Maintenance conducted on the engine. [40 CFR 60.4245(a)(2)]
 - iii. If the stationary engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 1048, 1054, and 1060, as applicable. [40 CFR 60.4245(a)(3)]
 - iv. If the stationary engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to 40 CFR 60.4243(a)(2), documentation that the engine meets the emission standards. [40 CFR 60.4245(a)(4)]
- c. The permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee shall document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. [40 CFR 60.4245(b)]

6. Specific Reporting Requirements:

- a. If the engine is subject to performance testing, the permittee shall submit a copy of each performance test as conducted in 40 CFR 60.4244 within 60 days after the test has been completed. [40 CFR 60.4245(d)]
- b. See **Section F – Monitoring, Recordkeeping, and Reporting Requirements** for additional requirements.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, 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.

Emission Units:		Description	Rating (Btu)	Generally Applicable Regulation
KY EIS ID	Plant ID			
IA01	IA01	Dayton Heater	90,000	401 KAR 59:010 & 401 KAR 63:020
	IA02	Dayton Heater	45,000	
	IA03	Bryant HVAC	24,000	
	IA04	Dayton Heater	75,000	
	IA05	Dayton Heater	60,000	
	IA06	Dayton Heater	60,000	
	IA07	Dayton Heater	100,000	
	IA08	Dayton Heater	35,000	
	IA09	Dayton Heater	35,000	
	IA10	Bryant HVAC	245,000	
	IA11	York HVAC	300,000	
	IA12	York HVAC	245,000	
	IA13	Bryant HVAC	300,000	
	IA14	Bryant HVAC	245,000	
	IA15	York HVAC	245,000	
	IA16	York HVAC	135,000	
	IA17	Greenheck Make-Up	225,000	
	IA18	Greenheck Make-Up	250,000	
	IA19	DUO-AIRE Make-Up	250,000	
	IA20	Rupp Make-Up	90,000	
	IA21	EVAPCO Refrigeration	5,300,000	
	IA22	EVAPCO Refrigeration	6,075,000	
	IA23	EVAPCO Refrigeration	6,075,000	
IA02	IA24	Lime Silo	N/A	N/A
	IA25	Parts Washer	N/A	N/A
	IA26	Parts Washer	N/A	N/A
	IA27	Exhaust Vent for Ovens (EU05 – EU14)	N/A	N/A
	IA28	Exhaust Vent for Ovens (EU05 – EU14)	N/A	N/A
	IA29	Exhaust Vent for Ovens (EU05 – EU14)	N/A	N/A

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, opacity, sulfur dioxide, nitrogen dioxide plus hydrocarbons and carbon monoxide emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

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

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

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

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

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

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

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
Ashland Regional Office
1550 Wolohan Drive,
Suite 1
Ashland, KY 41102-8942

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) 2]
- 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) 4.]
- 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) 1.]
- 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

SECTION G – GENERAL PROVISIONS (CONTINUED)

time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:

- (1) Applicable requirements that are included and specifically identified in this permit; and
- (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

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

3. Permit Revisions

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

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

No construction authorized by this permit. V-25-031.

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

SECTION G – GENERAL PROVISIONS (CONTINUED)

of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.

- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

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

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:020, Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - (4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.1-400, the permittee notified the Division as promptly as possible and submitted written notice of the 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)]

SECTION G – GENERAL PROVISIONS (CONTINUED)**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*.

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.