AIR QUALITY PERMIT
Issued under 401 KAR 52:030

Permittee Name: Tyson Chicken, Inc.
Mailing Address: P.O. Box 439
Robards, KY 42452

Source Name: Tyson Chicken, Inc. - Robards Facility
Mailing Address: same as above

Source Location: 14660 U.S. Hwy 41 South
Robards, KY 42452

Permit ID: F-22-001
Agency Interest #: 45238
Activity ID: APE20210001
Review Type: Conditional Major, Operating
Source ID: 21-101-00120

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

County: Henderson

Application Complete Date: January 12, 2022
Issuance Date:
Expiration Date:

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

Version 4/1/2022
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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 - EMISSIONS UNITS, EMISSION POINTS, APPLICABLE REGULATIONS AND OPERATING CONDITIONS

Emission Units 01 – 03  Three Natural Gas-Fired Indirect Heat Exchangers

Description:
Construction Commenced: 1996
Heat Input Capacity: 62.85 mmBtu/hr, each

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

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.
   f. The permittee shall limit the source-wide natural gas usage rate to 1,490 mmscf in any 12 consecutive months. The permittee shall monitor and record source-wide natural gas usage on a monthly basis and each month record the sum of the current and previous 11 months of source-wide natural gas usage.
   g. See Section D, Source Emission Limitations and Testing Requirements.
SECTION B - EMISSIONS UNITS, EMISSION POINTS, APPLICABLE REGULATIONS AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method:

See 5. Specific Recordkeeping Requirements

2. Emission Limitations:

a. Particulate matter (PM) emissions shall not exceed 0.28 lb/mmBtu per each boiler, based on a 3-hour average. [401 KAR 59:015, Section 4]

b. Emissions shall not exceed 20% opacity based on a 6-minute average, except for the following:
   1) A maximum of 40% opacity based on a 6-minute average for not more than one six 6-minute period in any 60 consecutive minutes during fire box cleaning or soot blowing; and
   2) Emissions 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 59:105, Section 4(2)]

c. Emissions of sulfur dioxide (SO2) shall not exceed 0.90 lb/mmBtu per each boiler, based on a 24-hour average. [401 KAR 59:015, Section 5(1)(c)]

d. Based upon the emission rates of toxics and hazardous air pollutants 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.

e. See Section D, Source Emission Limitations and Testing Requirements

Compliance Demonstration Method:

These units are considered to be in compliance with the PM, opacity, and SO2 emission limitations while burning natural gas.

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:

The permittee shall monitor source-wide natural gas usage on a monthly basis, in mmscf. [401 KAR 52:030, Section 10]

5. Specific Recordkeeping Requirements:

a. The permittee shall record and maintain records of the source-wide natural gas usage on a monthly basis, in mmscf. [40 CFR 60.48c(g)(3)]
b. The permittee shall maintain all records required by 40 CFR 60, Subpart Dc for two (2) 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. [401 KAR 52:030, Section 10]

6. **Specific Reporting Requirements:**

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

Emission Units 04 – 05 Two Natural Gas-Fired Water Heaters

Description:
Manufacturer: Kemco [RB-WH 01 and RB-WH-02]
Construction Commenced: 1996
Heat Input Capacity: 21 mmBtu/hr, each

APPLICABLE REGULATIONS:
401 KAR 63:020, Potentially hazardous matter or toxic substances [State-Origin Requirement]

1. Operating Limitations:
   a. The permittee shall limit the source-wide natural gas usage rate to 1,490 mmscf in any 12 consecutive months. The permittee shall monitor and record source-wide natural gas usage on a monthly basis and each month record the sum of the current and previous 11 months of source-wide natural gas usage.
   b. See Section D, Source Emission Limitations and Testing Requirements.

2. Emission Limitations:
   a. Based upon the emission rates of toxics and hazardous air pollutants 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. See Section D, Source Emission Limitations and Testing Requirements.

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:
   The permittee shall monitor source-wide natural gas usage on a monthly basis, in mmscf. [401 KAR 52:030, Section 10]

5. Specific Recordkeeping Requirements:
   The permittee shall record and maintain records of the source-wide natural gas usage on a monthly basis, in mmscf. [401 KAR 52:030, Section 10]

6. Specific Reporting Requirements:
   See Section F
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 5B One Natural Gas-Fired Water Heater

Description:
Construction Commenced: 1996
Heat Input Capacity: 4 mmBtu/hr

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

1. Operating Limitations:
   a. The permittee shall limit the source-wide natural gas usage rate to 1,490 mmscf in any 12 consecutive months. The permittee shall monitor and record source-wide natural gas usage on a monthly basis and each month record the sum of the current and previous 11 months of source-wide natural gas usage.
   b. See Section D, Source Emission Limitations and Testing Requirements

2. Emission Limitations:
   a. Based upon the emission rates of toxics and hazardous air pollutants 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. See Section D, Source Emission Limitations and Testing Requirements

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:
   The permittee shall monitor source-wide natural gas usage on a monthly basis, in mmscf. [401 KAR 52:030, Section 10]

5. Specific Recordkeeping Requirements:
   The permittee shall maintain records of the source-wide natural gas usage on a monthly basis, in mmscf. [401 KAR 52:030, Section 10]

6. Specific Reporting Requirements:
   See Section F
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 06 [RE-03] Raw Feather and Blood Processing

Description:
Equipment Includes: Natural Gas-fired Feather Dryer, Feather-Dryer Processing, Hydrolizer, Hydrolizer Outlet Surge Bin, Raw Blood Coagulator/Blood Centrifuge, and Feather Side Room Air

Construction Commenced: 2005
Maximum Continuous Rating: 153,300 ton/yr (Raw Material)
58,640 ton/yr (Finished Feather Meal)
Control Device: Packed Bed Scrubber and Spray Tower, 99.99% efficient

APPLICABLE REGULATIONS:
401 KAR 59:010, New process operations
401 KAR 63:020, Potentially hazardous matter or toxic substances

1. Operating Limitations:

   See Section D, Source Emission Limitations and Testing Requirements.

2. Emission Limitations:

   a. For emissions from a control device or stack the permittee shall not cause, suffer, allow or permit the emission into the open air of 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 \text{ ton/hr}: \quad E = 2.34
   2) For P from 0.5 \text{ ton/hr} to 30 \text{ ton/hr}: \quad E = 3.59P^{0.62}
   3) For P > 30 \text{ ton/hr}: \quad E = 17.31P^{0.16}

   Where:
   \begin{align*}
   E &= \text{rate of emission in lb/hr and;}
   P &= \text{process weight rate in tons/hr}
   \end{align*}

   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 twenty (20) percent opacity. [401 KAR 59:010, Section 3(1)(a)]

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

   d. See Section D, Source Emission Limitations and Testing Requirements.
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method:

a. The source is assumed to be in compliance with the PM emission limitations if the packed bed scrubber and spray tower are operated in accordance with 7. Specific Control Equipment Operating Conditions.

b. For compliance with the opacity limitations, refer to 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements.

3. Testing Requirements:

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

4. Specific Monitoring Requirements:

a. The permittee shall monitor the amount of finished feather meal produced, in tons, and hours of operation on a monthly basis. [401 KAR 52:030, Section 10]

b. The permittee shall perform a qualitative visual observation of the opacity of emissions from the outlet of the control device no less frequently than every seven calendar days while the affected facility is operating. If visible emissions from the control device 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 monitor the effluent flow rate and pressure drop across the packed bed scrubber. [401 KAR 52:030, Section 10]

5. Specific Recordkeeping Requirements:

a. The permittee shall maintain records of the amount of finished feather meal produced, in tons, and hours of operation, on a monthly basis. [401 KAR 52:030, Section 10]

b. All routine and non-routine maintenance activities performed on the corresponding control device shall be recorded. [401 KAR 52:030, Section 10]

c. The permittee shall maintain a record of the following for the visual observations required by 4. Specific Monitoring Requirements: [401 KAR 52:030, Section 10]

1) Result of the weekly visual observations;
2) Date (mm/dd/yyyy) of the observation made;
3) Initials of the observer;
4) Any emissions observed (yes/no);
5) Any EPA Reference Method 9 readings taken; and
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6) Corrective actions (if any) including results due to observed emissions.

d. The permittee shall maintain records of maintenance on the packed bed scrubber and spray tower in accordance with 7. Specific Control Equipment Operating Conditions and shall be provided to the Division upon request. [401 KAR 52:030, Section 10]

6. Specific Reporting Requirements:

See Section F

7. Specific Control Equipment Operating Conditions:

a. The packed bed scrubber and spray tower shall be operated to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and standard operating practices. [401 KAR 50:055]

b. The permittee shall maintain records regarding the maintenance of the packed bed scrubber and spray tower. [401 KAR 52:030, Section 10]

c. See Section E
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 07 [RE-02] Meat Solids and Fat

Description:
Equipment Includes: 3 Cookers w/condensers, 3 Cooker Outlet Screens, 6 Pressers, 2 Fat Screens, 3 Fat Centrifuges, 3 Inside Fat Storage Tanks, and 5 Outside Fat Storage Tanks, 3 Blood Raw Receiving Tanks
Construction Commenced: 1996 (3rd cooker line added 2015)
Maximum Continuous Rating: 287,326 tons/yr Finished Chicken Meal and Fat (148,016 tons/yr finished chicken meal and 139,310 tons/yr finished fat)
Control Device: Packed Bed Scrubber and Spray Tower, 90.00% efficient

APPLICABLE REGULATIONS:
401 KAR 59:010, New process operations

1. Operating Limitations:

   See Section D, Source Emission Limitations and Testing Requirements.

2. Emission Limitations:

   a. For emissions from a control device or stack the permittee shall not cause, suffer, allow or permit the emission into the open air of 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 ≤ 0.5 ton/hr: E = 2.34
      2) For P from 0.5 ton/hr to 30 ton/hr: E = 3.59P^{0.62}
      3) For P > 30 ton/hr: E = 17.31P^{0.16}

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

   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 twenty (20) percent opacity. [401 KAR 59:010, Section 3(1)(a)]

Compliance Demonstration Method:

   a. The source is assumed to be in compliance with the PM emission limit, when the control device is operating and properly maintained. Refer to 4. Specific Monitoring Requirements and 7. Specific Control Equipment Operating Conditions.

   b. For compliance with the opacity limitations, refer to 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements.
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. **Testing Requirements:**

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

4. **Specific Monitoring Requirements:**

   a. The permittee shall monitor the amount of finished meat meal and fat produced, in tons, and hours of operation, on a monthly basis. [401 KAR 52:030, Section 10]

   b. The permittee shall perform a qualitative visual observation of the opacity of emissions from the outlet of the control device no less frequently than every seven calendar days while the affected facility is operating. If visible emissions from the control device 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 monitor the effluent flow rate and pressure drop across the packed bed scrubber. [401 KAR 52:030, Section 10]

5. **Specific Recordkeeping Requirements:**

   a. The permittee shall maintain records of the amount of finished meat meal and fat produced, in tons, and hours of operation, on a monthly basis. [401 KAR 52:030, Section 10]

   b. All routine and non-routine maintenance activities performed on the corresponding control device shall be recorded. [401 KAR 52:030, Section 10]

   c. The permittee shall maintain a record of the following for the visual observations required by 4. **Specific Monitoring Requirements:** [401 KAR 52:030, Section 10]

       1) Result of the weekly visual observations;
       2) Date (mm/dd/yyyy) of the observation made;
       3) Initials of the observer;
       4) Any emissions observed (yes/no);
       5) Any EPA Reference Method 9 readings taken; and
       6) Corrective actions (if any) including results due to observed emissions.

   d. The permittee shall maintain records of maintenance on the packed bed scrubber and spray tower in accordance with 7. **Specific Control Equipment Operating Conditions** and shall be provided to the Division upon request. [401 KAR 52:030, Section 10]

6. **Specific Reporting Requirements:**

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

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

   a. The packed bed scrubber and spray tower shall be operated to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and standard operating practices. [401 KAR 50:055]

   b. The permittee shall maintain records regarding the maintenance of the packed bed scrubber and spray tower. [401 KAR 52:030, Section 10]

   c. See Section E
### SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

**Emission Units 08, 10A, 10B Crossflow Scrubbers**

**Description:**

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<td>[RE-04]</td>
<td>[RE-05]</td>
<td>[RE-07]</td>
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<td>Unit Name</td>
<td>Meat Side Crossflow Scrubber</td>
<td>Feather Side Crossflow Scrubber</td>
<td>No. 3 Crossflow Scrubber</td>
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<td>Construction Commenced</td>
<td>1996</td>
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<td>2005</td>
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<td>Equipment Includes</td>
<td>Meat Meal Rendering Room Air; 6 Poultry Meal Silos; 2 Feather Meal Storage Silos</td>
<td>Feather Meal Rendering Room Air</td>
<td>Meat and Feather Meal Rendering Room Air</td>
</tr>
<tr>
<td>Common Equipment Includes:</td>
<td>Meat Grinding Room Air (includes 3 Hammermills, 3 Grinding Surge Bins, 3 Rotex Screens); Feather Grinding Room Air (includes Surge Bin, Rotex Screen, and Hammermill); Truck Loadout Room Air</td>
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<td>Rated Capacity</td>
<td>148,016 tons/yr finished meat meal 58,640 tons/yr finished feather meal</td>
<td>148,016 tons/yr finished meat meal 58,640 tons/yr finished feather meal</td>
<td>148,016 tons/yr finished meat meal 58,640 tons/yr finished feather meal</td>
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<td>New Rendering Crossflow Scrubber</td>
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**APPLICABLE REGULATIONS:**

401 KAR 59:010, New process operations

1. **Operating Limitations:**

   See Section D, Source Emission Limitations and Testing Requirements.

2. **Emission Limitations:**

   a. For emissions from a control device or stack the permittee shall not cause, suffer, allow or permit the emission into the open air of 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: \( E = 2.34 \)
   2) For \( P \) from 0.5 ton/hr to 30 ton/hr: \( E = 3.59P^{0.62} \)
   3) For \( P > 30 \) ton/hr: \( E = 17.31P^{0.16} \)

   Where:
   
   \( E \) = rate of emission in lb/hr and;
   
   \( P \) = process weight rate in tons/hr
SECTION B - EMISSION POINTS, EMISSION 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 twenty (20) percent opacity. [401 KAR 59:010, Section 3(1)(a)]

Compliance Demonstration Method:

a. The source is assumed to be in compliance with the PM emission limitations if the packed bed scrubber and spray tower are operated in accordance with 7. Specific Control Equipment Operating Conditions.

b. For compliance with the opacity limitations, refer to 4. Specific Monitoring Requirements b and 5. Specific Recordkeeping Requirements

3. Testing Requirements:

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

4. Specific Monitoring Requirements:

a. The permittee shall monitor the amount of finished meat meal, finished feather meal, and fats produced, in tons, and hours of operation, on a monthly basis. [401 KAR 52:030, Section 10]

b. The permittee shall perform a qualitative visual observation of the opacity of emissions from the outlet of the control device no less frequently than every seven calendar days while the affected facility is operating. If visible emissions from the control device 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 monitor the effluent flow rate and pressure drop across the packed bed scrubber. [401 KAR 52:030, Section 10]

5. Specific Recordkeeping Requirements:

a. The permittee shall maintain records of the amount of finished meat meal, finished feather meal, and fats produced, in tons, and hours of operation, on a monthly basis. [401 KAR 52:030, Section 10]

b. All routine and non-routine maintenance activities performed on the corresponding control device shall be recorded. [401 KAR 52:030, Section 10]

c. The permittee shall maintain a record of the following for the visual observations required by 4. Specific Monitoring Requirements; [401 KAR 52:030, Section 10]
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1) Result of the weekly visual observations;
2) Date (mm/dd/yyyy) of the observation made;
3) Initials of the observer;
4) Any emissions observed (yes/no);
5) Any EPA Reference Method 9 readings taken; and
6) Corrective actions (if any) including results due to observed emissions.

d. The permittee shall maintain records of maintenance on the packed bed scrubber and spray tower in accordance with 7. **Specific Control Equipment Operating Conditions** and shall be provided to the Division upon request. [401 KAR 52:030, Section 10]

6. **Specific Reporting Requirements:**

   See Section F

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

   a. Each crossflow scrubber shall be operated to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and standard operating practices. [401 KAR 50:055]

   b. The permittee shall maintain records regarding the maintenance of each crossflow scrubber. [401 KAR 52:030, Section 10]

   c. See Section E
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 12 Salt System (SA-01)

Description:
Construction Commenced: 1996
Maximum Continuous Rating: 87,600 ton/yr
Control Device: Filter Sock

APPLICABLE REGULATIONS:
401 KAR 59:010, New process operations

1. Operating Limitations:

   See Section D, Source Emission Limitations and Testing Requirements.

2. Emission Limitations:

   a. For emissions from a control device or stack the permittee shall not cause, suffer, allow or permit the emission into the open air of 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: \( E = 2.34 \)
      2) For \( P \) from 0.5 ton/hr to 30 ton/hr: \( E = 3.59P^{0.62} \)
      3) For \( P > 30 \) ton/hr: \( E = 17.31P^{0.16} \)

      Where:
      \[ E = \text{rate of emission in lb/hr and; } \]
      \[ P = \text{process weight rate in tons/hr} \]

   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 twenty (20) percent opacity. [401 KAR 59:010, Section 3(1)(a)]

Compliance Demonstration Method:

   a. The source is assumed to be in compliance with the PM emission limitations if the filter sock is operated in accordance with 7. Specific Control Equipment Operating Conditions.

   b. For compliance with the opacity limitations, refer to 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements

3. Testing Requirements:

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

4. **Specific Monitoring Requirements:**

   a. The permittee shall monitor the amount of salt loaded, in tons, and hours of operation, on a monthly basis. [401 KAR 52:030, Section 10]

   b. The permittee shall perform a qualitative visual observation of the opacity of emissions from the outlet of the control device no less frequently than every seven calendar days while the affected facility is operating. If visible emissions from the control device 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]

5. **Specific Recordkeeping Requirements:**

   a. The permittee shall maintain records of the amount of salt loaded, in tons, and hours of operation, on a monthly basis. [401 KAR 52:030, Section 10]

   b. All routine and non-routine maintenance activities performed on the corresponding control device shall be recorded. [401 KAR 52:030, Section 10]

   c. The permittee shall maintain a record of the following for the visual observations required by 4. **Specific Monitoring Requirements:** [401 KAR 52:030, Section 10]
   
   1) Result of the weekly visual observations;
   2) Date (mm/dd/yyyy) of the observation made;
   3) Initials of the observer;
   4) Any emissions observed (yes/no);
   5) Any EPA Reference Method 9 readings taken; and
   6) Corrective actions (if any) including results due to observed emissions.

6. **Specific Reporting Requirements:**

   See Section F

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

   a. The filter sock shall be operated to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and standard operating practices. [401 KAR 50:055]

   b. The permittee shall maintain records regarding the maintenance of the filter sock. [401 KAR 52:030, Section 10]

   c. See Section E
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 14  Small Natural Gas-fired Combustion Sources

Description:
The facility has 37 natural gas-fired HVAC units, totaling 68.39 mmBtu/hr:

<table>
<thead>
<tr>
<th>Emission Point</th>
<th>Heat Input (MMBtu/hr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHU 1, 2, 4, 5</td>
<td>3.24, each</td>
</tr>
<tr>
<td>AHU 3</td>
<td>4.05</td>
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<tr>
<td>AHU 6, 7</td>
<td>1.62, each</td>
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<tr>
<td>AHU 8</td>
<td>1.89</td>
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<tr>
<td>AHU 9</td>
<td>4.21</td>
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<tr>
<td>MAU 1</td>
<td>1.00</td>
</tr>
<tr>
<td>MAU 2, 3, 8, 14</td>
<td>0.52, each</td>
</tr>
<tr>
<td>MAU 4, 6</td>
<td>2.8, each</td>
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<tr>
<td>MAU 5, 15</td>
<td>1.4, each</td>
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<tr>
<td>MAU 7, 9</td>
<td>1.04, each</td>
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<tr>
<td>MAU 10-13</td>
<td>4.15, each</td>
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<tr>
<td>MAU 16, 20</td>
<td>0.43, each</td>
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<tr>
<td>MAU 17</td>
<td>0.375</td>
</tr>
<tr>
<td>MAU 18</td>
<td>1.5</td>
</tr>
<tr>
<td>MAU 19</td>
<td>2</td>
</tr>
<tr>
<td>MAU 21-23</td>
<td>0.208, each</td>
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<tr>
<td>MAU 24-27</td>
<td>1.6, each</td>
</tr>
<tr>
<td>MAU 28</td>
<td>0.12</td>
</tr>
</tbody>
</table>

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

1. **Operating Limitations:**

   a. The permittee shall limit the source-wide natural gas usage rate to 1,490 mmscf in any 12 consecutive months. The permittee shall monitor and record source-wide natural gas usage on a monthly basis and each month record the sum of the current and previous 11 months of source-wide natural gas usage.

   b. See Section D, Source Emission Limitations and Testing Requirements.

2. **Emission Limitations:**

   a. Based upon the emission rates of toxics and hazardous air pollutants 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. See Section D, Source Emission Limitations and Testing Requirements.

3. **Testing Requirements:**

   Testing shall be conducted at such times as may be required by the Cabinet in accordance with 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 4.
SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. **Specific Monitoring Requirements:**

The permittee shall monitor source-wide natural gas usage (mmscf) on a monthly basis [401 KAR 52:030, Section 10].

5. **Specific Recordkeeping Requirements:**

The permittee shall maintain source-wide records of natural gas usage (mmscf) on a monthly basis [401 KAR 52:030, Section 10].

6. **Specific Reporting Requirements:**

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 52:020, 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.

<table>
<thead>
<tr>
<th>Description</th>
<th>Generally Applicable Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 12,000 gal. diesel tanks</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Aerosol puncturing system</td>
<td>401 KAR 59:010</td>
</tr>
<tr>
<td>3. Parts washer</td>
<td>401 KAR 59:010</td>
</tr>
<tr>
<td>4. Live hang baghouse</td>
<td>401 KAR 59:010</td>
</tr>
<tr>
<td>5. Chicken meal silo [RE-16]</td>
<td>401 KAR 59:010</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 12 consecutive months.

2. PM, opacity, and SO$_2$ 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. Emissions of carbon monoxide (CO) and nitrogen oxides (NO$_x$) shall not exceed 90 tons in any 12 consecutive months in order to preclude the applicability 401 KAR 52:020.

**Compliance Demonstration Method:**
The permittee shall limit the source-wide natural gas usage rate to 1,490 mmmscf in any 12 consecutive months. The permittee shall monitor and record source-wide natural gas usage on a monthly basis and, for each month, record the sum of the current and previous 11 months of source-wide natural gas usage.
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.
SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

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].
SECTION G - GENERAL PROVISIONS (CONTINUED)

e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030, Section 3(1)(c)].

f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect 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.
SECTION G - GENERAL PROVISIONS (CONTINUED)

n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.

o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and 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 (6) six 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 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
SECTION G - GENERAL PROVISIONS (CONTINUED)

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.

5. Testing Requirements:

a. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least thirty (30) days prior to the test.

b. Pursuant to 401 KAR 50:045, Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source’s operations and create the highest rate of emissions. If [When] the maximum production rate represents a source’s highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.

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

6. Acid Rain Program Requirements

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 the noncompliance with the technology-based emission
SECTION G - GENERAL PROVISIONS (CONTINUED)

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) 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) Notification of the Division 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 52:030, 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 52:030, 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
SECTION G - GENERAL PROVISIONS (CONTINUED)


   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.