

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

**Draft**

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

**Permittee Name:** VGP Holdings LLC  
**Mailing Address:** 121 22nd Street  
Ashland, KY 41101

**Source Name:** Valvoline Engine Test Laboratory  
**Mailing Address:** 121 22nd Street  
Ashland, KY 41101

**Source Location:** same as above

**Permit ID:** F-26-035  
**Agency Interest #:** 40443  
**Activity ID:** APE20260002  
**Review Type:** Conditional Major, Operating  
**Source ID:** 21-019-00110  
**Regional Office:** Ashland Regional Office  
1550 Wolohan Drive, Suite 1  
Ashland, KY 41102  
(606) 929-5285

**County:** Boyd

**Application Complete Date:** August 6, 2026  
**Issuance Date:**  
**Expiration Date:**

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

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|----------|-------------|-------------|---------------|---------------|------------------------------------------|
| F-26-035 | Renewal     | APE20260002 | 08/06/2026    |               | Renewal of permit and replaced engine 10 |

## **SECTION A - PERMIT AUTHORIZATION**

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

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

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

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS****Test Engines****01 Gasoline Test Engine III**

**Description:** Internal Combustion Reciprocating Test Engine for Light Duty Gasoline Powered Vehicles.

Make: General Motors

Fuel: Unleaded gasoline

Horsepower / Displacement: 200 / 3.8L

Construction Date: 1999

**02 Gasoline Test Engine VPS**

**Description:** Internal Combustion Reciprocating Test Engine for Light Duty Gasoline Powered Vehicles.

Make: Nissan

Fuel: Unleaded gasoline

Horsepower / Displacement: 375 / 3.5L

Construction Date: 1999

**03 Gasoline Test Engine VIII**

**Description:** Internal Combustion Reciprocating Test Engine for Light Duty Gasoline Powered Vehicles.

Make: Cooperative Lubrication Research (Oil Test Engine)

Fuel: Unleaded gasoline

Horsepower / Displacement: 25 / 1L

Construction Date: 1999

**04 Gasoline Test Engine X**

**Description:** Internal Combustion Reciprocating Test Engine for Gasoline Powered Vehicles.

Make: Not Listed

Fuel: Unleaded gasoline

For DB Gasoline:

Horsepower / Displacement: 260/ 4.6L

Construction Date: 2010

**05 Gasoline Test Engine V**

**Description:** Internal Combustion Reciprocating Test Engine for Light Duty Gasoline Powered Trucks.

Make: Ford

Fuel: Unleaded gasoline

Horsepower / Displacement: 190 / 4.6L

Construction Date: 1999

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****06 Gasoline Test Engine BL-2**

**Description:** Internal Combustion Reciprocating Test Engine for Light Duty Gasoline Powered Trucks.  
Make: Not Listed  
Fuel: Unleaded gasoline  
Horsepower / Displacement: 190 / Not Listed  
Construction Date: 1999

**07 Gasoline Test Engine VI**

**Description:** Internal Combustion Reciprocating Test Engine for Light Duty Gasoline Powered Trucks.  
Make: Ford  
Fuel: Unleaded gasoline  
Horsepower / Displacement: 190 / 4.6L (Horsepower limited to less than 50)  
Construction Date: 1999

**08 HD-I Engine Stand**

**Description:** Internal Combustion Reciprocating Test Engine for Heavy Duty Diesel Powered Vehicles.  
Make: Not Listed  
Fuel: Diesel fuel  
Horsepower / Displacement: 175 / 5.9L  
Construction Date: 1999

**08b HD Gasoline**

**Description:** Internal Combustion Reciprocating Test Engine for Heavy Duty Diesel Powered Vehicles.  
Make: Not Listed  
Fuel: Unleaded gasoline  
Horsepower / Displacement: 250 / 9.0L  
Construction Date: 1999

**10 HD Gasoline**

**Description:** Internal Combustion Reciprocating Test Engine for Heavy Duty Gasoline Powered Vehicles.  
Make: Not Listed (NASCAR Racing Engine)  
Fuel: Unleaded racing gasoline  
Horsepower / Displacement: 1000 / Not Listed  
Construction Date: 1999

**13 Gasoline Test Marine Engine ME1**

**Description:** Internal Combustion Reciprocating Test Engine for Non-road Gasoline Powered Marine  
Make: Defender/Honda BF225  
Fuel: Unleaded gasoline  
Horsepower / Displacement: 225-30/ 3.5L  
Construction Date: 2006

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****14 Gasoline Test Marine Engine ME2**

**Description:** Internal Combustion Reciprocating Test Engine for Non-road Gasoline Powered Marine  
Make: Defender/Honda BF225  
Fuel: Unleaded gasoline  
Horsepower / Displacement: 225-30/ 3.5L  
Construction Date: 2006

**15 Heavy Duty II Engine Test Stand**

**Description:** Internal Combustion Reciprocating Test Engine for two engines (4LB)  
Make: Cummins Diesel  
Fuel: Natural Gas and Diesel.  
Horsepower / Displacement: 450/ 15L  
Construction Date: 2014

**APPLICABLE REGULATIONS:**

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

**1. Operating Limitations:**

To preclude 401 KAR 52:020, test engines III, VPS, VIII, X, V, BL-2, VI, HD-I, HD, ME1, ME2, and HD-II shall be disassembled, inspected, and rebuilt prior to performing a subsequent test in order to support use of the “50,000 Mile Emission Level” emission factors from AP-42, Volume II, Appendix H.

**Compliance Demonstration Method:**

See **5. Specific Recordkeeping Requirements** and **6. Specific Reporting Requirements**.

**2. Emission Limitations:**

- a. The permittee shall provide the utmost care and consideration, in the handling of materials from which hazardous matter or toxic substances may be emitted, to the potentially harmful effects of the emissions resulting from such activities. The permittee shall not allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet. [401 KAR 63:020, Section 3]
- b. See **Section D.** for source-wide requirements.

**Compliance Demonstration Method:**

Based upon the emission rates of toxic 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:**

Performance testing using the reference methods specified in 401 KAR 50:015 shall be conducted if required 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 following for each emission point: [401 KAR 52:030, Section 10].
  - i. The type of fuel combusted in each engine for each test.
  - ii. The test miles accumulated on each engine per month.
  - iii. The date and duration of each test for each engine.
  - iv. The date and summary of maintenance actions for each test engine overhaul.

**5. Specific Recordkeeping Requirements:**

- a. The permittee shall maintain records of the following, for each emission point: [401 KAR 52:030, Section 10]
  - i. The type of fuel combusted in each engine for each test.
  - ii. The test miles accumulated on each engine per month.
  - iii. The date and duration of each test for each engine.
  - iv. The date and summary of maintenance actions for each test engine overhaul.
- b. Using the information from **5. Specific Recordkeeping Requirement a.** above, the appropriate emission factors for road engines from AP-42, Volume II, Appendix H, and for non-road marine testing engine EPA 420-R-05-019; the permittee shall calculate and record the monthly emissions from each engine. [401 KAR 52:030, Section 10]

**6. Specific Reporting Requirements:**

See **Section F.5** for general reporting requirements.

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

| <u>Description</u>                                                                    | <u>Generally Applicable Regulation</u> |
|---------------------------------------------------------------------------------------|----------------------------------------|
| 1. Storage tank 31B for Diesel 2000 gals                                              | None                                   |
| 2. Storage tank 28G for Gasoline using permanent submerged fill 8000 gals 1986        | None                                   |
| 3. Storage tank 29J for Gasoline using permanent submerged fill 2000 gals. 1990       | None                                   |
| 4. Storage tank 30A for Gasoline using permanent submerged fill 2000 gals. 1996       | None                                   |
| 5. Storage tank 30B for Gasoline using permanent submerged fill 2000 gals. 1996       | None                                   |
| 6. Storage tank 31A for Gasoline using permanent submerged fill 2000 gals. 1996       | None                                   |
| 7. Storage tank 32A for Gasoline using permanent submerged fill 2000 gals. 1996       | None                                   |
| 8. Storage tank 32B for Gasoline using permanent submerged fill 2000 gals. 1996       | None                                   |
| 9. Above storage tank 33 unleaded premium gasoline 564 gals                           | None                                   |
| 10. One Distillate oil-fired space heaters 0.4mmBtu/hr                                | None                                   |
| 11. Twelve natural gas fired space heaters each less than 0.5mmBtu/hr                 | None                                   |
| 12. Internal Combustion Engine-Test Engine Stand VIII 12 HP                           | 401 KAR 63:020                         |
| 13. Two Honing machines (machining of metals)                                         | None                                   |
| 14. Machinery lubricants applied as temporary protective coatings to the test engines | None                                   |
| 15. Laboratory fume hoods and vents used for chemical or physical analysis            | None                                   |

**SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)**

- |                                                                                                                                                                                                                                               |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 16. Two aboveground skid storage tanks for distillate fuel (used in boilers) 500-600 gals                                                                                                                                                     | None           |
| 17. Custom Built Spray Cleaning booth installed in 1985<br>Solvent 142-66 or similar solvents with specific properties complying with ASTM D235, Type II, class C high flash point, low vapor pressure, low aromatic content solvent standard | None           |
| 18. Bead Blaster (uses glass beads and is self-contained)                                                                                                                                                                                     | None           |
| 19. Induced Draft Cooling tower (IS 18) with recirculation rate 550 gallons/minute                                                                                                                                                            | 401 KAR 59:010 |
| 20. Counter flow Induced draft Cooling Tower CTS (Colling Tower System), Model#: T-2125 with water flow rate 369 gal/min associated with ISX HD NG/Diesel Engine stand                                                                        | 401 KAR 59:010 |
| 21. One Parts Washer using Safety Kleen Premium Solvent as cleaning agent<br>Make: Installed NAPA (BALKAMP),<br>Model#: 817-3003, Tank capacity: 80 Gallons; equipped with tank cover and procedures posted                                   | 401 KAR 63:020 |

## SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Carbon Monoxide (CO), and Hazardous Air Pollutant (HAP) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. **Source Emission Limitations:**  
To preclude the applicability of 401 KAR 52:020, Title V permits, total annual source-wide emissions, which include all significant and insignificant emission units, shall not exceed 90 tons per year (tpy) of Carbon Monoxide (CO), 9 tpy of individual HAP and 22.5 tpy of combined HAP on a twelve (12) consecutive month basis [401 KAR 52:030, Section 10].

### **Compliance Demonstration Method:**

To show compliance with the source-wide limits to preclude the applicability of 401 KAR 52:020, the permittee shall sum the monthly emission rates from each of the emission points in **Section B** and those insignificant activities found in **Section C** during each twelve (12) consecutive month period for which particulate matter is emitted.

All emissions calculations shall be based on standard U.S. EPA methodology and test results (i.e.: AP-42 emissions factors as mentioned in Section B for the Test Engines, appropriately summing the product of the weight percent of each HAP in the organic material emissions for tanks and Test Engine emissions as determined by Speciate 3.2).

4. **Source Recordkeeping Requirements:**  
The permittee shall maintain records of actual Carbon Monoxide and HAP emissions from each emission point on a monthly basis in accordance with **3. Source Emission Limitations**. The permittee shall maintain records onsite such that they are readily accessible.
5. **Source Reporting Requirements:**  
The permittee shall submit a report of the following information to the Division for Air Quality's Ashland office in accordance with **Section F.5.** and **F.6.** of the permit:
  - a. A summary report containing a copy of all monthly source-wide compliance demonstration records (as provided above) during the previous reporting period.
  - b. Identification of any deviations from source-wide permit requirements that occurred during the reporting period.

## **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].
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

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

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

7. In accordance with the provisions of 401 KAR 50:055, Section 1, the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken shall be submitted to the Regional Office listed on the front of this permit. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement does not identify a specific time frame for reporting deviations, prompt reporting, as required by Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26 shall be defined as follows:
  - a. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
  - b. For emissions of any regulated air pollutant, excluding those listed in F.8.a., that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
  - c. All deviations from permit requirements, including those previously reported, shall be included in the semiannual report required by F.6.
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
  - a. Identification of each term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction, or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

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

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

## SECTION G - GENERAL PROVISIONS

### 1. General Compliance Requirements

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

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

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030, Section 3(1)(c)].

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

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

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

Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:

(1) Applicable requirements that are included and specifically identified in this permit; and

(2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six (6) months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030, Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030, Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030, Section 14(3), may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the State Implementation Plan (SIP) or in applicable requirements and meet the relevant requirements of 401 KAR 52:030, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

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

No construction authorized by permit F-26-035.

**SECTION G - GENERAL PROVISIONS (CONTINUED)****5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045, Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

**6. Acid Rain Program Requirements**

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

**7. Emergency Provisions**

- a. Pursuant to 401 KAR 52:030, Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - (1) An emergency occurred and the permittee can identify the cause of the emergency;
  - (2) The permitted facility was at the time being properly operated;
  - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

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

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

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

None

## **SECTION I - COMPLIANCE SCHEDULE**

None