Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Issued under 401 KAR 52:030

Permittee Name:	**TG Automotive Sealing Kentucky, LLC.**
Mailing Address:	**501 Frank Yost Lane** **Hopkinsville, KY 42240**
Source Name:	**Same as above**
Mailing Address:	**Same as above**
Source Location:	**Same as above**
Permit Number:	**F-05-019**
AI Number:	**4417**
Review Type:	**Conditional Major, Construction/Operating**
KYEIS ID #:	**21-047-00108**
Activity Number:	**APE20050003**
Regional Office:	**Paducah Regional Office** **4500 Clarks River Road** **Paducah, KY 42003-0823** **(270) 898-8468**
County:	**Christian**
Application Complete Date:	**May 05, 2005**
Issuance Date:	**October 7, 2005**
Expiration Date:	**October 7, 2010**

John S. Lyons, Director
Division for Air Quality

Revised 09/25/03

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes 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 this Cabinet or any other federal, state, or local agency.

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes 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 this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILLITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Point: 01 (Line # A1)

Description:

Construction Date: June 2002
MP1: MRC Coating/AIC Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr,)

Emission Point: 02 (Line # A2)

Description:

Construction Date: June 2002
MP1: Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr, N.G.)

Emission Point: 03 (Line # A3)

Description:

Construction Date: June 2002
MP1: Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr, N.G.)
MP3: Infrared Preheat
MP4: Curing Heat

Emission Point: 05 (Line # A5)

Description:

Construction Date: June 2002
MP1: MRC Coating/AIC Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr, N.G.)

Emission Point: 15 (Finishing # 1)

Description:

Construction Date: June 2002
MP1: Finishing

Emission Point: 16 (Off Line Coating # 1)

Description:

Construction Date: June 2002
MP1: Off Line Coater
MP2: Ransburg Oven (@ 0.794 MBTU/hr, N.G.))

SECTION B - AFFECTED FACILLITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Proposed Construction:

Emission Point: 07 (Line # A7)

Description:

Proposed Construction Date: July 2005
MP1: Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr, N.G.)

Emission Point: 08 (Line # A8)

Description:

Proposed Construction Date: July 2005
MP1: Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr, N.G.)

Emission Point: 09 (Line # A9)

Description:

Proposed Construction Date: July 2005
MP1: Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr, N.G.)

Emission Point:11 (Line # A11)

Description:

Proposed Construction Date: July 2005
MP1: Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr, N.G.)

Emission Point:12 (Line # A12)

Description:

Proposed Construction Date: July 2005
MP1: Coating
MP2: Rubber Curing/Vulcanization (@ 0.198 MBTU/hr, N.G.)

Emission Point: 15 (Finishing # 2)

Description:

Proposed Construction Date: July 2005
MP2: Finishing

SECTION B - AFFECTED FACILLITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Point: 16 (Off Line Coating # 2)

Description:

Proposed Construction Date: July 2005
MP3: Off Line Coater
MP4: Ransburg Oven (@ 0.794 MBTU/hr)

APPLICABLE REGULATIONS:

401 KAR 52:030. Federally-Enforceable permits for non major sources.

1. **Operating Limitations:**

The usage rate of materials used in all affected facilities shall be limited so as not to exceed the emission limitations listed in Section B (2) below.

Compliance Demonstration Method:

See B (2) below

2. **Emission Limitations:**

a. **Annual HAPS Limitations:**

See D (5).

b. **Annual VOC Limitations:**

See Section D (4).

3. **Testing Requirements:**

See Section D (1)

4. **Specific Monitoring Requirements :**

See Compliance Demonstration Method in Section B (2)(a) and B(2)(b)

5. **Specific Record Keeping Requirements:**

See Section D (7)

SECTION B - AFFECTED FACILLITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. **Specific Reporting Requirements**

See Section D (8)

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

None

8. **Alternate Operating Scenarios**:

None

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. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	Description	Generally Applicable Regulation
1.	Space Heaters (13 Heaters, @ 0.2 MBTU/hr each, N.G.)	None
2.	Air Make Up units, (13 @ 1.282 MBTU/hr each, N.G.)	None
3.	Office AMU, (One @ 0.08 MBTU/hr, N.G.)	None
4.	Vulcanization (Line A4) (One @ 0.198 MBTU/hr, N.G.)	None
5.	Vulcanization (Line A6) (One@ 0.198 MBTU/hr, N.G.)	None
6.	Extruders (33) Line A1 5 Line A2 2 Line A3 1 Line A4 1 Line A5 7 Line A6 1 Line A7 2 Line A8 2 Line A9 5 Line A10 4 Line A11 2 Line A12 1	None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Testing shall be conducted at such times as may be required by the cabinet in accordance with the Regulations 401 KAR 59:005 Section 2(2) and KAR 50:045 Section 4.

2. VOC and HAPS emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

3. As required by Section 1b of the material incorporated by reference in 401 KAR 52:030 Section 10, 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.

4. The source has accepted a facility-wide cap on annual VOC emission of no more than 90 tons per rolling 12-month period (including VOC emissions from Insignificant Activities). The actual VOC emission shall be calculated based on 12-month rolling total.

   Compliance Demonstration Method:

   a. The following equation may be used to calculate VOC emission:

   Monthly VOC emission = ∑[Monthly usage of coatings or any other VOC containing material in pounds or gallons per month] x [VOC fraction] x [appropriate conversion factor (if usage is in gallons) for gallons to pounds for resin or any other VOC containing material used].

   b. The following equation may be used to calculate VOC emission from Natural Gas Consumption:

   Monthly VOC emission = Monthly usage of Natural Gas (million cubic feet) X 5.5 lb/million cubic feet

5. The source has accepted a facility-wide cap on annual individual HAP emission of no more than 9.0 tons per rolling 12-month period and combined HAPS emissions of no more than 22.5 tons per rolling 12-month period. The actual HAP/HAPs emission shall be calculated based on 12-month rolling total.

   Compliance Demonstration Method:

   The following equation may be used to calculate the HAP emissions:
   Monthly HAP emission = ∑[Monthly usage of coatings or any other HAP containing material in pounds or gallons per month] x [HAP fraction] x [appropriate conversion factor (if usage is in gallons) for gallons to pounds for resin or any other HAP containing material used].

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

6. 401 KAR 63:020; Potentially hazardous matter or toxic substances, applicable to each affected facility (s) which emits or may emit potentially hazardous matter or toxic substances.

Compliance Demonstration Method:

The source is in compliance with 401 KAR 63:020 based on the emission rates of toxics given in the application submitted by the source. If the source alters process rates, material formulations, or any other factor that would result in an increase of toxic emissions or the addition of toxic emissions not previously evaluated by the Division, the source shall submit the appropriate application forms pursuant to 401 KAR 52:030, Section 3(1)(a), along with modeling to show that the facility will remain in compliance with 401 KAR 63:020.

7. **Specific Recordkeeping Requirements:**

a. The permittee shall keep calendar month records of the usage of each coating, solvent, thinner diluent, and clean up solvent or any other VOC/ HAP containing material;
b. At the end of each month volatile organic compound (VOC) and hazardous air pollutants (HAPS) emissions in tons shall be calculated and recorded;
c. The annual emission for each rolling 12 month year shall be calculated and kept available at the plant site;
d. The records listed above, as well as purchase orders and invoices for all VOC/HAP containing materials, shall be made available for inspection upon request by duly authorized representatives of the Division for Air Quality;
e. The permittee shall keep records of all maintenance activities performed on the control equipment.

8. **Specific Reporting Requirements:**

Reporting of the following shall be done on a semi annual-basis:

a. Any deviations from requirements of section B shall be reported;
b. The VOC emission for each month in the semi-annual period shall be reported;
c. The individual HAP emissions for each month in the semi-annual period shall be reported;
d. The combined HAPs emission for each month in the semi-annual period shall be reported;
e. The rolling 12 month total for VOC during each month in the semi-annual period shall be reported;
f. The rolling 12 month total of individual HAP's for each month in the semi-annual period shall be reported;
g. The rolling 12 month total of combined HAP's for each month ending in the semi-annual period shall be reported.

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, RECORD KEEPING, 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 10, 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 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 10].

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, other than continuous emission or opacity monitors, 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.

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

6. The semi-annual reports are due by January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.

7 In accordance with the provisions of 401KAR 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 submit written notice upon request.

8 The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5 [Section 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 10].

9 Pursuant to 401KAR 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;

f. 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 postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

Division for Air Quality
Paducah Regional Office
4500 Clarks River Road
Paducah, KY 42003

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

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 thirty (30) days of the date the KEIS emission survey is mailed to the permittee. If a KYEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit.

11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), 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 after the completion of the fieldwork..

12. 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:
        i. The size and location of both the original and replacement units; and
        ii. Any resulting change in emissions;
    b. The 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:
        i. Re-install the original unit and remove or dismantle the replacement unit; or
        ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. 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 is also 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 10].

2. 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 10].

3. 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:
   a. 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;
   b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
   c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

4. 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.

5. 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 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 10].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. 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)].

7. 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 10].

8. 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 10].

9. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a (12)(b) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].

10. 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 10].

11. 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)].

12. 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 10].

13. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.

14. 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.

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. 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.

17. Permit Shield – 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:
    a. Applicable requirements that are included and specifically identified in this permit; and
    b. Non-applicable requirements expressly identified in this permit.

18. 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)].

19. 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)].

(b) Permit Expiration and Reapplication Requirements

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 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].

(c) Permit Revisions

1. 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 SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).

2. 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.

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

7. Pursuant to Section VII 2 (1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.

8. Pursuant to Section VII 1 (2 and 3) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), if a demonstration of compliance, through performance testing was made at a production rate less than the maximum specified in the application form, then the permittee is only authorized to operate at a rate that is not greater than 110% of the rate demonstrated during performance testing. If and when the facility is capable of operation at the rate specified in the application, compliance must be demonstrated at the new production rate if required by the Division.

(e) 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.

(f) Emergency Provisions

1. 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:
   a. An emergency occurred and the permittee can identify the cause of the emergency;
   b. The permitted facility was at the time being properly operated;
   c. 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,
   d. 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.

2. Notification of the Division does not relieve the source of any other local, state or federal notification requirements.

SECTION G - GENERAL PROVISIONS (CONTINUED)

3. Emergency conditions listed in General Provision G (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].

4. 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)].

(g) Risk Management Provisions

1. 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:

   RMP Reporting Center
   P.O. Box 3346
   Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

(h) Ozone depleting substances

1. 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:
   a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
   b. 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.
   c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
   e. 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.
   f. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
   g. 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.

2. 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 H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None