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

Final

AIR QUALITY PERMIT
Issued under 401 KAR 52:030

Permittee Name:	**Prime Finish, LLC**
Mailing Address:	**Samual A. B. Boone Trust** **1509 Bull Lea Blvd., Suite 200** Lexington, KY 40511
Source Name:	**Prime Finish, LLC**
Mailing Address:	**129 Cleveland Drive** **Paris, KY 40361**
Source Location:	**same as above**
Permit Number:	**F-04-018 (Rev. 2)**
Source A. I. #:	**37286**
Activity #:	**APE20050003**
Review Type:	**Construction/ConditionalMajor/Synthetic Minor**
Source ID #:	**21-017-00031**
Regional Office:	**Frankfort Regional Office** **643 Teton Trail, Suite B** **Frankfort, KY 40601-1758** **(502) 564-5043**
County:	**Bourbon**
Application Complete Date:	**April 26, 2004**
Issuance Date:	**January 4, 2005**
Revision Date:	**February 1, 2006**
Expiration Date:	**January 4, 2010**

E-Signed by Diana Andrews
VERIFY authenticity with ApproveIt

John S. Lyons, Director
Division for Air Quality

Revised 10/19/05

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Rev #	Permit type	Log #	Complete Date	Issuance Date	Summary of Action
----	**Initial Issuance**	**56418**	**4/26/04**	**1/4/05**	
1	**Minor revision**	**APE2005 0001**	**--**	**7/1/05**	**Added two (2) robotic spray booths, EP 3 & 4**
2	**Minor revision**	**APE2005 0003**	**--**	**2/1/06**	**Added robotic spray booth, EP 5**

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 - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01 (01) Base Coat Robotic Spray Paint Booth w/manual back up booth
Manufacturer: Trinity Automotive of America
Size: 8 ft 4 in x 22 ft x 45 ft
Maximum continuous rating: 9.4 gal/hour
Emission Controls: water wall (90% eff.)
Construction commenced: June 21, 1999

02 (02) Clear Coat Robotic Spray Paint Booth w/manual back up booth
Manufacturer: Trinity Automotive of America
Size: 8 ft 4 in x 22 ft x 45 ft
Maximum continuous rating: 9.4 gal/hour
Emission Controls: water wall (90% eff.)
Construction commenced: June 21, 1999

03 (03) Robotic Spray Paint Booth w/infrared oven
Manufacturer: 4Cyte
Maximum continuous rating: 6.3 gal/hour
Emission Controls: water wall (90% eff.)
Construction commenced: Proposed April, 2005 (See requirement, Section G (d))

04 (04) Robotic Spray Paint Booth w/infrared oven
Manufacturer: 4Cyte
Maximum continuous rating: 6.3 gal/hour
Emission Controls: water wall (90% eff.)
Construction commenced: Proposed April, 2005 (See requirement, Section G (d))

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations applicable to each affected facility associated with a process operation which is not subject to another emission standard with respect to particulates in Chapter 59 of 401 KAR commenced on or after July 2, 1975.

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

1. Operating Limitations:

A. The usage rate of raw materials in all affected facilities shall be restricted so the emission limitations as set forth in Section D of this permit are not exceeded.

B. 401 KAR 63:020
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.

C. The water walls shall be in operation anytime the spray booth is in use.

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

2. Emission Limitations:

A. 401 KAR 59:010

(1) Section 3(1)(a) limits visible emissions from each stack to less than 20% opacity.

(2) Section 3(2) limits emissions of particulate matter from each spray booth to a maximum of 2.34 lbs/hr.

Compliance Demonstration Method:

(1) See **4. Monitoring Requirements**

(2) See **5. Recordkeeping Requirements**

B. There are no individual limits on VOCs and HAPs for the affected facilities. Emission limitations are source wide, as given in Section D of this permit.

3. Testing Requirements:

If deemed necessary, the Cabinet may require testing by using appropriate EPA Methods, at such times as maybe required by the Cabinet in accordance with Regulation 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 4.

4. Specific Monitoring Requirements:

A. The permittee shall install pressure gages as an indicator of water flow to the spray booth wash walls. The permittee will then establish a range of pressure readings corresponding to adequate water flow rates for each booth. To establish such a range the permittee may;

a. Request this information from the spray booth manufacturer;

b. With the equipment in new and clean condition, perform visual inspection of the water wash, adjust the water flow, and establish upper and lower pressure limits by trial and error. Record all data and observations used to establish such limits, and maintain this data on-site.

1. Readings from the pressure gages shall be taken at a minimum of once each 8 hours of operation.
2. The permittee shall make a verification of the uniformity of the water sheet across the surface of the water wall once each 8 hours of operation.
3. The permitter shall verify that the water level is 16" ± 4" as measured at the filling station once each 8 hours of operation

B. The permittee shall perform a qualitative visual observation of the opacity of emissions from the roof top vents at least once per operating month and maintain a log of the observations. If visible emissions from the vents are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for all necessary repairs.

5. Specific Recordkeeping Requirements:

A. Monthly records should be kept of all coatings, thinners, clean-up solutions used, including the type, amount, VOC content by weight percent, less any water and/or exempt solvent.

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

5. Specific Recordkeeping Requirements: (continued)

B. Monthly records shall be kept of all materials containing HAP(s) used for the above affected facilities, including the product type, amount used and the weight percentages of all individual HAPs.

C. VOC and HAP emissions shall be calculated monthly per Section D of this permit, and every month, a new 12-month rolling total for VOC and HAP emissions shall be calculated.

D. For each line monthly records (including MSDS) shall be maintained by the source for the most recent two (2) year period. These records shall be made available to the cabinet or the U.S. EPA upon request.

E. The permittee shall maintain a log of the water wall observations as required by **4. Specific Monitoring Requirements**. Note the time, date, and identity of the personnel making the record, for each water flow reading. If any booths were not in operation during a given time period this fact should be noted. If the flow rate is outside of the manufacturer's recommended range, an inspection of the control device shall made, corrective action taken, and a log of these activities shall be maintained.

6. Specific Reporting Requirements:

A. The permittee shall report VOC and HAP emissions as part of the semiannual reporting as required in Section F (5) & (6).

B. The permittee shall submit a copy of the control device inspection and repair log for those times when corrective actions are required, either due to an opacity exceedance as noted in Section B (4) B, or due to a water wall, flow rate problem, noted as required by Section B (5) E. Copies of these records shall be submitted as a part of the semiannual reporting as required in Section F (5) & (6).

7. Specific Control Equipment Operating Conditions:

Water wall flowrate shall be maintained within the manufacturer's recommended limits.

8. Alternate Operating Scenarios: None

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

05 (05) Compact Robotic Spray Paint Booth
Manufacturer: Thierica Equipment Company
Maximum continuous rating: 2.0 gal/hour
Emission Controls: dry filters (90% eff.)
Construction commenced: November 2005

APPLICABLE REGULATIONS:
401 KAR 59:010, New process operations applicable to each affected facility associated with a process operation which is not subject to another emission standard with respect to particulates in Chapter 59 of 401 KAR commenced on or after July 2, 1975.

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

1. Operating Limitations:

A. The usage rate of raw materials in all affected facilities shall be restricted so the emission limitations as set forth in Section D of this permit are not exceeded.

B. 401 KAR 63:020
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.

C. The particulate filters shall be in place anytime the spray booths are in operation.

2. Emission Limitations:

A. 401 KAR 59:010
(1) Section 3(1)(a) limits visible emissions from each stack to less than 20% opacity.
(2) Section 3(2) limits emissions of particulate matter from each spray booth to a maximum of 2.34 lbs/hr.

Compliance Demonstration Method:
(3) See **4. Monitoring Requirements**
(4) See **5. Recordkeeping Requirements**

B. There are no individual limits on VOCs and HAPs for the affected facilities. Emission limitations are source wide, as given in Section D of this permit.

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

3. Testing Requirements:

If deemed necessary, the Cabinet may require testing by using appropriate EPA Methods, at such times as maybe required by the Cabinet in accordance with Regulation 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 4.

4. Specific Monitoring Requirements:

A. Resistance to airflow across the booth filters shall be monitored by use of a magnahelic gauge, manometer or other means, as an indicator of the need for filter maintenance. Readings from the chosen instrument shall be taken at a minimum of once each 8 hours of operation.

B. The permittee shall perform a qualitative visual observation of the opacity of emissions from the roof top vents at least once per operating month and maintain a log of the observations. If visible emissions from the vents are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for all necessary repairs.

5. Specific Recordkeeping Requirements:

A. Monthly records should be kept of all coatings, thinners, clean-up solutions used, including the type, amount, VOC content by weight percent, less any water and/or exempt solvent.

B. Monthly records shall be kept of all materials containing HAP(s) used for the above affected facilities, including the product type, amount used and the weight percentages of all individual HAPs.

C. VOC and HAP emissions shall be calculated monthly per Section D of this permit, and every month, a new 12-month rolling total for VOC and HAP emissions shall be calculated.

D. For each line monthly records (including MSDS) shall be maintained by the source for the most recent two (2) year period. These records shall be made available to the cabinet or the U.S. EPA upon request.

E. The permittee shall maintain a log of the pressure drop readings across the fabric filters, including the time, date, identity of the personnel making the record, and dates of filter replacements. For any booth that is not in operation on a given date, this fact should also be noted.

6. Specific Reporting Requirements:

A. The permittee shall report VOC and HAP emissions as part of the semiannual reporting as required in Section F (5) & (6).

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

6. Specific Reporting Requirements: (Continued)

B. The permittee shall submit a copy of the control device inspection and repair log for those times when corrective actions are required, either due to an opacity exceedance as noted in Section B (4) B, or due to problems with the dry filters, noted as required by Section B (5) E. Copies of these records shall be submitted as a part of the semiannual reporting as required in Section F (5) & (6).

7. Specific Control Equipment Operating Conditions:
The particulate filters should be changed in accordance with manufacturer recommendations.

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. Dip Print Operation	401 KAR 59:010
2. Base Coat Oven N.G. Fired, 850,000 Btu/hr	None
3. Clear Coat Oven N.G. Fired, 850,000 Btu/hr	None
4. Off Line Oven N.G. Fired, 700,000 Btu/hr	None
5. Research & Development Dip Print	None
6. Research & Development Paint Booth One-quart gun, dry filter	401 KAR 59:010
7. Pad Printing Systems One (1) Five Head System One (1) Six Head System Two (2) Single Head Printing Systems	None

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 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.

2. **Emission Limitations:**

A. The permittee shall keep source wide emissions of Volatile Organic Compounds (VOC) no greater than 90 tons during any consecutive 12 months period. [401 KAR 52:030]

Compliance Demonstration Method:

$$\text{Actual VOC Emissions} = \sum_{i=1}^{n} M_i \rho_i$$

Where;
ρ = weight percent of VOC in coating less water and/or exempt solvent
i = individual coating material (primer, thinner, cleaner, topcoat 1, topcoat 2, etc.)
n = total number of coating materials used
M = pounds of coating material "i " used

B. The permittee shall keep source wide emissions of Single Hazardous Air Pollutants (HAP) no greater than 9 tons during any consecutive 12 months period. [401 KAR 52:030]

Compliance Demonstration Method:

$$\text{Single HAP Emission;} \quad HAP_j = \sum_{i=1}^{n} M_i \rho_i$$

Where;
ρ = weight percent of HAP_j in material "i."
i = individual coating material (primer, thinner, cleaner, topcoat 1, topcoat 2, etc.)
j = individual HAP emission (i.e. toluene, xylene, etc.)
n = total number of coating materials used containing single HAP_j
M = pounds of coating material "i " used

C. The permittee shall keep source wide emissions of Combined Hazardous Air Pollutants (HAP) no greater than 22.5 tons during any consecutive 12 months period. [401 KAR 52:030]

Compliance Demonstration Method:

$$\text{Combined HAP Emissions} = \sum_{j=1}^{m} HAP_j$$

Where, j = individual HAP emission (i.e. toluene, xylene, etc.)
m = total number of single HAP emissions

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. 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 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 be submitted in writing 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;

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

Division for Air Quality Frankfort Regional Office 643 Teton Trail, Suite B Frankfort, KY 40601-1758	Division for Air Quality Central Files 803 Schenkel Lane Frankfort, KY 40601-1403

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 KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.

11. 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.

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 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:
        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 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 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 Cabinet 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)

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements
Emission Point 5

1. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
   a. The date when construction commenced.
   b. The date of start-up of the affected facilities listed in this permit.
   c. The date when the maximum production rate specified in the permit application was achieved.

3. Pursuant to 401 KAR 52:030, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.

4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the final permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.

5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements.

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.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(e) Acid Rain Program Requirements

1. 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.

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 1515
   Lanham-Seabrook, MD 20703-1515.

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

SECTION G - GENERAL PROVISIONS (CONTINUED)

(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.
   d. 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.
   e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
   f. 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