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

Draft

AIR QUALITY PERMIT

Issued under 401 KAR 52:030

Permittee Name:	**Progress Rail Raceland Corporation**
Mailing Address:	**P. O. Box 1037, Albertville, AL 35950**
Source Name:	**Progress Rail Raceland Corporation**
Mailing Address:	**P. O. Box 1037, Albertville, AL 35950**
Source Location:	**Stewart Avenue at Old US 23** **Raceland, KY 41169**
Permit ID:	**F-07-056**
Agency Interest #:	**1608**
Activity ID:	**APE20070003**
Review Type:	**Conditional Major, Operating, Renewal**
Source ID:	**21-089-00004**
Regional Office:	**Ashland Regional Office** **1550 Wolohan Drive, Suite 1** **Ashland, KY 41102** **(606) 929-5285**
County:	**Greenup**
Application Complete Date:	**November 17, 2007**
Issuance Date:	
Revision Date:	
Expiration Date:	

John S. Lyons, Director
Division for Air Quality

Revised 05/07/07

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	Permit Type	**Activity#**	**Complete Date**	**Issuance Date**	**Summary of Action**
F-07-056	**Renewal**	**APE20070003**	**11/17/2007**		**Transitioning from Title V to Conditional Major**

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, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Point 03 (SC001-9): Surface Coating Operation

Description:
Automated railcar paint booth using both solvent and water-based paints. Emissions from the paint booth are exhausted through seven stacks. Dry filters are used to control particulate matter emissions with 90% control efficiency. The filters are changed based on pressure differential readings across the filters. The filters are changed approximately every other shift when operating at maximum capacity.
Construction commenced: 1987

APPLICABLE REGULATIONS:
401 KAR 59:010, New Process Operations (applicable to each affected facility associated with a process operation commenced on or after July 2, 1975)
401 KAR 59:225, New miscellaneous metal parts and products surface coating operations.

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

2. Emission Limitations:
a. **Standard for VOC 401 KAR 59:225, Section 6 (1) (b):**
The affected facility shall be exempt from Section 3 of this administrative regulation if the VOC content of the coating is less than 0.42 kg/l of coating (three and five-tenths (3.5) lb/gal), excluding water or exempt solvent or both, delivered to the applicators associated with air or forced air-dried items or items subject to outdoor or harsh exposure or extreme environmental conditions.

Compliance demonstration:
The permittee shall maintain records of the volatile organic content of each type of coating, varnish, adhesive, primer, solvent, reducer, thinner, diluent, or any other material used at the coating units listed above. Determination of the volatile organic content shall conducted according to any one of the following methods:

1. The permittee shall determine the volatile organic content of each type of material using Method 24A of 40 CFR 60, appendix A. The Method 24A determination may be performed by the manufacturer of the material and the results provided to the permittee. If these volatile organic content cannot be determined using Method 24A, the permittee shall submit an alternate technique for determining the volatile content for approval by the Division.
2. The permittee may determine the volatile organic content of each type of material used based on the formulation data, and may rely on volatile content data provided by the material suppliers. In the event of any inconsistency between the formulation data and the results of Test Method 24A of 40 CFR 60, appendix A, the applicable test shall govern, unless the permittee can demonstrate to the satisfaction of the Division that the formulation data are correct

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

b. **Standard for Opacity (401KAR 59:010 Section (3)):**
The permittee shall not cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack associated with any affected facility (s) which is equal to or greater than twenty (20) percent opacity.

Compliance Demonstration Method:
The permittee shall perform a qualitative visual observation of the opacity of emissions from the each stack at least once per operating week and maintain a log of the observations. If the visible emissions from the stack are seen (not including condensed water vapor within 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.

c. **Standard for Particulate Matter (401 KAR 59:010 Section 3(2)):**
For emission from a control device or stack, no person shall cause, suffer, allow or permit the emission in to the open air of particulate matter (PM) from any affected facility which in excess of 2.34 lb/hr.

Compliance Demonstration Method:
1. Filters shall be in place at all times the machine is applying paint.
2. Filters shall be replaced when determined to be inefficient (as determined through visual inspection).
3. The permittee shall maintain a log of replacement of filter.
4. When filters are in place and functional, compliance is assumed.

d. **Source wide VOC/HAPs emission limitations:**
See Section D

3. <u>Testing Requirements</u>:

a 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 3.

b. If deemed necessary, upon request, the company shall submit samples of the coating or any other VOC containing material inks and coatings used. The coatings must meet the requirements specified under **Emission Limitations** above.[Regulation 40 CFR 60, Appendix A, Method 24, which has been incorporated by reference in 401 KAR 50:015].

4. <u>Specific Monitoring Requirements</u>:

The permittee shall:

a. Keep an MSDS and a record of VOC content for each paint used.
b. Monitor the pressure differential across the filters at least once per shift to ensure timely replacement of inefficient filters.
c. See Compliance Demonstration Method in Section B (2)(a), (b), (c), and (d).

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

5. Specific Record Keeping Requirements:

a. See Section D
b. The permittee shall keep the log of the observations of qualitative visual of the opacity of emissions from each stack on a weekly basis.
c. The permittee shall keep a log of replacement of filter.
d. Pursuant to Regulation 401 KAR 59:225 Section 4 (8), daily records shall be maintained by the source for the most recent two year period. These records shall be made available to the Division or U.S.EPA upon request. These records shall include, but not be limited to the following:
   1. Application method and substrate type;
   2. Amount and type of adhesive, coating (including catalyst and reducer for multicomponent coatings), or solvent used at each point of application, including exempt compounds;
   3. The VOC content as applied in each adhesive, coating, or solvent;
   4. The date for each application of adhesive, coating, or solvent;
   5. The amount of surface preparation, clean-up, or wash-up solvent (including exempt compounds) used and the VOC content of each.

6. Specific Reporting Requirements:

a. See Section F5, F6, F7 and F8
b. See Section D

7. Specific Control Equipment Operating Conditions:

See Compliance Demonstration Method in Section B (2)(c)

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

Emission Point 07 (AB001): Abrasive Blasting Unit

Description:
The abrasive-blasting unit uses steel shot to blast railcars prior to surface coating. Emissions are routed through a baghouse with 99.5% control efficiency for particulate matter.
Construction commenced: 1987

APPLICABLE REGULATIONS:
401 KAR 59:010, New Process Operations (applicable to each affected facility associated with a process operation commenced on or after July 2, 1975)

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

2. Emission Limitations:

a. **Standard for Opacity (401KAR 59:010 Section (3)):**

The permittee shall not cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack associated with any affected facility (s) which is equal to or greater than twenty (20) percent opacity.

Compliance Demonstration Method:
The permittee shall perform a qualitative visual observation of the opacity of emissions from the each stack at least once per operating week and maintain a log of the observations. If the visible emissions from the stack are seen (not including condensed water vapor within 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.

b. **Standard for Particulate Matter (401 KAR 59:010 Section 3(2)):**

For emission from a control device or stack, no person shall cause, suffer, allow or permit the emission in to the open air of particulate matter (PM) from any affected facility which in excess of 2.34 lb/hr.

Compliance Demonstration Method:
When Baghouse is in place and functional, compliance is assumed.

3. Testing Requirements:
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 3.

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

4. Specific Monitoring Requirements:
See Compliance Demonstration Method in Section B (2)(a), and (b).

5. Specific Recordkeeping Requirements:
The permittee shall keep the log of the observations of qualitative visual of the opacity of emissions from each stack on a weekly basis.

6. Specific Reporting Requirements:
See Section F5, F6, F7 and F8

7. Specific Control Equipment Operating Conditions:
None

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

Emission Point 05: Rail Car Cutting Process (16 Propane Torches)
Description:

Primary Fuel:	Propane
Rated Capacity:	1.1 MMBtu/hr each
Construction Commenced:	6/27/2007

Emission Point 06: Space Heaters
Description:

Primary Fuel:	Natural Gas
Rated Capacity:	(31) heaters from 0.075 – 0.5 MMBtu/hr

Emission Point 08: Open Flame Heaters
Description:

Primary Fuel:	Natural Gas
Maximum rated capacity:	(4) 10 MMBtu/hr each

APPLICABLE REGULATIONS:
None

1. Operating Limitations:
None

2. Emission Limitations:
None

3. Testing Requirements:
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 3.

4. Specific Monitoring Requirements:
The permittee shall monitor and maintain monthly records of natural gas in million cubic feet or propane in 1000 gallons used.

5. Specific Recordkeeping Requirements:
See Specific Monitoring Requirements above;

6. Specific Reporting Requirements:
See Section F5, F6, F7 and F8

7. Specific Control Equipment Operating Conditions:
NA

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.

	Description	Generally Applicable Regulation
1.	(2) Abrasive blasting gloveboxes	401 KAR 59:010
2.	Miscellaneous welding & brazing	401 KAR 59:010
3.	Miscellaneous metal machining (lathing, boring, grinding, burning, etc.)	401 KAR 59:010
4.	Application of rust preventative	None
5.	Storage tank containing waste oil; 2,000 gallon storage capacity	None
6.	Storage tank containing gasoline; 2,000-gallon storage capacity	None
7.	Storage tank containing diesel fuel; 2,000 gallon storage capacity	None
8.	Storage tank containing kerosene; 2,000 gallon storage capacity	None
9.	Miscellaneous solvent use	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 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. VOC, and HAPs 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. **Emission Limitations:**
   a. **Annual HAPS Limitations (401 KAR 52:030):**

      The source has accepted a facility-wide cap on annual individual HAP emissions including insignificant activities of no more than 9.0 tons per rolling 12-month period and combined HAPS emissions including insignificant activities of no more than 22.5 tons per rolling 12-month period. The actual HAP/HAP's emissions 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 emissions = ∑{[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 coating or any other HAP containing material used]}

   b. **Annual VOC Limitations (401 KAR 52:030):**

      The source has accepted a facility-wide cap on annual VOC emissions including combustion and insignificant activities of no more than 90.0 tons per rolling 12-month period. The actual VOC emission shall be calculated based on 12-month rolling total.

      Compliance Demonstration Method:
      The following equation may be used to calculate VOC emission:
      Monthly VOC emissions = ∑{[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 coating or any other VOC containing material used]}

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

4. **Specific Record Keeping 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 period 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.

5. **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 HAP's 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

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 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 years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
   a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
   b. To access and copy any records required by the permit:
   c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

   Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

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

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

7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
   a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
   b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.

8. The 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. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [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].

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

Division for Air Quality Ashland Regional Office 1550 Wolohan Drive, Suite 1 Ashland, KY 41102	Division for Air Quality Central Files 1550 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 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. 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 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. 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. [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 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.

SECTION G - GENERAL PROVISIONS (CONTINUED)

p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
(1) Applicable requirements that are included and specifically identified in this permit; and
(2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].

b. The authority to operate granted 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 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 this permit.

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;

SECTION G - GENERAL PROVISIONS (CONTINUED)

(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.
(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*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

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:

      RMP Reporting Center
      P.O. Box 1515
      Lanham-Seabrook, MD 20703-1515.

   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