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 52:040

Permittee Name:	**Mountain Materials, Inc.**
Mailing Address:	**P.O. Box 13130** **Lexington, KY 40583-3130**
Source Name:	**Mountain Materials, Inc.- Carter Quarry**
Mailing Address:	**Same as above**
Source Location:	**Anywhere in the Commonwealth of Kentucky (Portable plant)(Initial location: Carter County HWY 474)**
Permit Number:	**S-06-265**
Source A. I. #:	**40241**
Activity #:	**APE20040001**
Review Type:	**Minor Source Portable Renewal**
Source ID #:	**21-043-09018**
Regional Office:	**Ashland Regional Office** **1550 Wolohan Drive, Suite 1** **Ashland, KY 41102-8942**
County:	**Carter**
Application Complete Date:	**March 25, 2005**
Issuance Date:	**February 6, 2007**
Revision Date:	
Expiration Date:	**February 6, 2017**

John S. Lyons, Director
Division for Air Quality

Revised 10/19/05

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application, the Kentucky Division for Air Quality hereby authorizes the construction and/or 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 an affected facility without first having submitted a complete application and received this general permit for the planned activity from the Division, except as provided in this permit or in Regulation 401 KAR 52:040, State-origin permits. The permittee shall not reconstruct or modify an affected facility without first having submitted a complete application for the planned activity to the Division and Regional Office listed on the title page of this permit, except as provided in this permit or in Regulation 401 KAR 52:040, State-origin permits.

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

At least 15 days prior to moving a portable nonmetallic minerals processing operation, if applicable, to any other site in the Commonwealth of Kentucky (excluding Jefferson County), the permittee shall provide written notification and submit a completed DEP7007AI form to reflect the change in location to the Division for Air Quality's Frankfort Field Operations Branch, 803 Schenkel Lane, Frankfort, Kentucky. In addition, if the date of the intended operation is canceled or rescheduled, the permittee shall notify the Division at least 5 days prior to the new date of the intended operation.

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

01	**(-)**	**Crusher(s)**
02	**(-)**	**Grinding Mill(s)**
03	**(-)**	**Screening Operation(s)**
04	**(-)**	**Bucket Elevator(s)**
05	**(-)**	**Belt Conveyor(s) Between Pieces of Equipment**
06	**(-)**	**Bagging Operation(s)**
07	**(-)**	**Storage Bin(s)**
08	**(-)**	**Enclosed Truck Loading Station(s)**
	(-)	**Enclosed Railcar Loading Station(s)**

APPLICABLE REGULATIONS:

State Regulation 401 KAR 60:670, New nonmetallic mineral plants (40 CFR 60, Subpart OOO as modified by Section 3 of 401 KAR 60:670), applies to each of the affected facilities listed above that is located at a fixed or portable nonmetallic mineral processing plant that commenced construction, reconstruction, or modification after August 31, 1983. All facilities located in underground mines, and stand-alone screening operations at plants without crushers or grinding mills, are not subject to this regulation. Fixed sand and gravel plants and crushed stone plants with capacities of 25 tons per hour or less; and common clay plants and pumice plants with capacities of 10 tons per hour or less; are not subject to this regulation. When an existing facility is replaced by a piece of equipment of equal or smaller size having the same function as the existing facility, the new facility is exempt from the provisions of 40 CFR 60.672, 60.674 and 60.675 except when all the existing facilities in a production line are replaced with new facilities.

1. Operating Limitations:

N/A

2. Emission Limitations:

a) As specified in State Regulation 401 KAR 60:670 [40 CFR 60.672(a)], no owner or operator shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any stack emissions which:

1) Contain particulate matter in excess of 0.022 gr/dscf; and

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

2. Emission Limitations: (Continued)

a. 2) Exhibit greater than seven percent (7%) opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing device.

b. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.672(b)], fugitive emissions from any transfer point on belt conveyors or from any other affected facility shall not exhibit greater than ten percent (10%) opacity, each, except as specified in c, d, e, and f below.

c. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.672(c)], fugitive emissions from any crusher, at which a capture system is not used, shall not exhibit greater than fifteen percent (15%) opacity.

d. Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt.

e. If any transfer point on a conveyor or any other affected facility is enclosed in a building:

1) Then each enclosed affected facility must comply with the emission limits in a, b, and c above, as specified in State Regulation 401 KAR 60:670 [40 CFR 60.672(e)], or

2) The building enclosing the affected facility or facilities must comply with the following emission limits:

a) No owner or operator shall cause to be discharged into the atmosphere from the building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent, and

b) No owner or operator shall cause to be discharged into the atmosphere from any vent enclosing any transfer point on a conveyor or any other affected facility emissions which exceed the stack emissions of particulate matter in excess of 0.05 g/dscm or exhibit greater than seven percent (7%) opacity, as specified in Regulation 60:670 [40 CFR 60.672(e)].

f. No owner or operator shall cause to be discharged into the atmosphere from any baghouse that controls emissions from only an individual, enclosed storage bin, stack emissions which exhibit greater than seven percent (7%) opacity, as specified in Regulation 60:670 [40 CFR 60.672(f)].

g. Owners or operators of multiple storage bins with combined stack emissions shall comply with the emission limits in a above, as specified in Regulation 60:670 [40 CFR 60.672(g)].

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

2. Emission Limitations: (Continued)

h. As specified in Regulation 60:670 [40 CFR 60.672(h)], no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:

1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill, or storage bin.

2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the crusher, grinding mill, or storage bin in the production line.

Compliance Demonstration Method:

a. In determining compliance with the particulate matter concentration as listed in a. above, the owner or operator shall use Method 5 or Method 17 and the procedures as described in 40 CFR 60.675(b).

b. In determining initial compliance with the opacity standards as listed above, the owner or operator shall use Method 9 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(c), except for wet processes, which are exempt from Method 9, as specified in 40 CFR 60.675 (h)(1) and (2).

c. In demonstrating subsequent annual compliance with the specified opacity limitations listed above, as required by 401 KAR 52:040, Section 20, Annual Emissions Certifications for Specified Sources, and/or upon request by the Division, the owner or operator shall use, as directed by 40 CFR 60.675(c)(1), Method 9 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(c), except for wet processes, which are exempt from Method 9, as specified in 40 CFR 60.675 (h)(1) and (2).

d. In determining compliance with e. above, the owner or operator shall use Method 22 to determine fugitive emissions and the procedures as described in 40 CFR 60.675(d).

3. Testing Requirements:

a. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.675(e)(1)], For the Method 9 testing listed under 40 CFR 60.675(c), if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:

1) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emission stream.

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

3. Testing Requirements: (Continued)

a. 2) Separate the emissions so that the opacity of emissions from each affected facility can be read.

b. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.675(h)], initial Method 9 performance tests under 40 CFR 60.11 and 60.675 are not required for:

1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to, but not including the next crusher, grinding mill, or storage bin.

2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, that process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.

c. See Section C, General Condition G.3. (Construction)

d. N/A (Operating)

4. Monitoring Requirements:

a. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.676(c)], during the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.

b. See Section C, General Condition F.1.

5. Recordkeeping Requirements:

a. See Condition 4, **Monitoring Requirements** above.

b. See Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

a. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.676(c)], after the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Division of occurrences when the measurements of the scrubber pressure loss (or gain) and liquid flow rate differ by more than ± 30 percent (30%) from the averaged determined during the most recent performance test.

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

6. Reporting Requirements: (Continued)

b. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.676(i)(2)], portable aggregate processing plants shall include both the home office and the current address or location of the portable plant in the notification of the actual date of initial startup.

c. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.676(a)], each owner or operator seeking to comply with 40 CFR 60.670(d) shall submit to the Division the following information about the existing facility being replaced and the replacement piece of equipment.

1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:

a) The rated capacity in tons per hour of the existing facility being replaced and

b) The rated capacity in tons per hour of the replacement equipment.

2) For a screening operation:

a) The total surface area of the top screen of the existing screening operation being replaced and rated capacity in tons per hour, and

b) The total surface area of the top screen of the replacement screening operation and rated capacity in tons per hour.

3) For a conveyor belt:

a) The dimensions (width and length) and rated capacity in tons per hour of the existing belt being replaced, and

b) The dimensions (width and length) and rated capacity in tons per hour of the replacement conveyor belt.

4) For a storage bin:

a) The rated capacity in tons of the existing storage bin being replaced and

b) The rated capacity in tons of the replacement storage bins.

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

6. Reporting Requirements: (Continued)

d. As specified in State Regulation 401 KAR 60:670 [40 CFR 60.676(g)], the owner or operator of any screening operating, bucket elevator, or belt conveyor that processes saturated material and is subject to 40 CFR 60.672(h) and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change to the Division. This screening operation, bucket elevator, or belt conveyor is then subject to the ten percent (10%) opacity limit in 40 CFR 60.672(b) and the emission test requirements of 40 CFR 60.11 and 60.675. Likewise a screening operating, bucket elevator, or belt conveyor that processes unsaturated material but sebsequently processes saturated material shall submit a report of this change within 30 days following such change to the Division. This screening operation, bucket elevator, or belt conveyor is then subject to the no visible emission limit in 40 CFR 60.672(h)

e. See Section C, General Conditions C.1., C.2., C.3., F.2, and G.2. (Construction)

f. See Section C, General Conditions C.1., C.2., C.3., and F.2. (Operating)

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

Emission Points Controlled by a Baghouse / Central Dust Collection System Constructed, Reconstructed, or Modified Before September 1, 1983

09	**(-)**	**Crusher(s)**
10	**(-)**	**Grinding Mill(s)**
11	**(-)**	**Screening Operation(s)**
12	**(-)**	**Bucket Elevator(s)**
13	**(-)**	**Belt Conveyor(s) Between Pieces of Equipment**
14	**(-)**	**Bagging Operation(s)**
15	**(-)**	**Storage Bin(s)**
16	**(-)**	**Enclosed Truck Loading Station(s)**
	(-)	**Enclosed Railcar Loading Station(s)**

APPLICABLE REGULATIONS:

State Regulation 401 KAR 59:010, New process operations, applies to each of the affected facilities listed above constructed on or after July 2, 1975, which is associated with a control device or stack and not subject to another emission standard with respect to particulates.

State Regulation 401 KAR 61:020, Existing process operations, applies to each of the affected facilities listed above constructed before July 2, 1975, which is associated with a control device or stack and not subject to another emission standard with respect to particulates.

1. Operating Limitations:

N/A

2. Emission Limitations:

The Division for Air Quality has determined that this facility's potential to emit any air pollutant is less than 100 tons per year. Therefore, although the permit may be conditioned to allow emissions in excess of 100 tons per year pursuant to federally enforceable Regulations KAR 59:010, New process operations, and 61:020, Existing process operations, emissions equal to or in excess of 100 tons per year of any pollutant are not possible. Accordingly, this permit is being issued as a minor source state-origin permit.

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

2. Emission Limitations: (Continued)

a. Pursuant to State Regulation 401 KAR 59:010, Section 3(2) and Appendix A, emissions of particulate matter from each source constructed on or after July 2, 1975, shall not exceed the lbs/hr limit as determined by the following equations using the process weight rate (in units of tons/hr).

For process rates up to 60,000 lbs/hr: $E = 3.59\ P^{0.62}$

For process rates in excess of 60,000 lbs/hr: $E = 17.31\ P^{0.16}$

For the equation E = rate of emission in lb/hr and P = process weight rate in tons/hour

b. Pursuant to State Regulation 401 KAR 59:010, Section 3, any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

c. Pursuant to State Regulation 401 KAR 61:020, Section 3(2) and Appendix A, emissions of particulate matter from each source constructed before July 2, 1975, shall not exceed the lbs/hr limit as determined by the following equations using the process weight rate (in units of tons/hr).

For process rates up to 60,000 lbs/hr: $E = 4.10\ P^{0.67}$

For process rates in excess of 60,000 lbs/hr: $E = 55.0\ P^{0.11} - 40$

For the equation E = rate of emission in lb/hr and P = process weight rate in tons/hour

d. Pursuant to State Regulation 401 KAR 61:020, Section 3, any continuous emissions into the open air shall not equal or exceed forty percent (40%) opacity.

Compliance Demonstration Method:

a. Compliance with hourly emission limit shall be determined as follows:

Hourly Emission Rate = [Monthly processing rate x Emission Factor as determined from AP-42 * / (Hours of operation per month)] x (1 – control efficiency)

* If an Emission Factor other than that taken from AP-42 is used, documentation on how that Emission Factor was derived must be submitted to the Division's Central Office for approval.

b. In determining initial compliance with the opacity standards as listed above, the owner or operator shall use Reference Method 9, as directed by 401 KAR 59:010, Section 4 and 401 KAR 61:020, Section 4.

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

2. Emission Limitations: (Continued)

Compliance Demonstration Method: (Continued)

c. In demonstrating subsequent annual compliance with the specified opacity limitations listed above, as required by Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1c (Material incorporated by reference in 401 KAR 52:040, State-Origin Permits, Section 23), and/or upon request by the Division, the owner or operator shall use Reference Method 9, as directed by 401 KAR 59:010, Section 4 and 401 KAR 61:020, Section 4.

3. Testing Requirements:

a. See Section C, General Condition G.3. (Construction)

b. N/A (Operating)

4. Monitoring Requirements:

See Section C, General Condition F.1.

5. Recordkeeping Requirements:

See also Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

a. See Section C, General Conditions C.1., C.2., C.3., F.2, and G.2. (Construction)

b. See Section C, General Conditions C.1., C.2., C.3., and F.2. (Operating)

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

17	**(-)**	**Crusher(s)**
18	**(-)**	**Grinding Mill(s)**
19	**(-)**	**Screening Operation(s)**
20	**(-)**	**Bucket Elevator(s)**
21	**(-)**	**Belt Conveyor(s) Between Pieces of Equipment**
22	**(-)**	**Bagging Operation(s)**
23	**(-)**	**Storage Bin(s)**
24	**(-)**	**Enclosed Truck Loading Station(s)**
	(-)	**Enclosed Railcar Loading Station(s)**
25	**(-)**	**Truck Loadout(s)**
	(-)	**Railcar Loadout(s)**
	(-)	**Barge Loadout(s)**
26	**(-)**	**Stockpile(s)**
27	**(-)**	**Receiving Hopper(s)**
28	**(-)**	**Conveyor(s) to Stockpile(s) and Loadout(s)**
29	**(-)**	**Haul Road and Yard Area (Paved)**
	(-)	**Haul Road and Yard Area (Unpaved)**

APPLICABLE REGULATIONS:

State Regulation 401 KAR 63:010, Fugitive Emissions, applies to each of the affected facilities listed above under Emission Points 25, 26, 27, 28 and 29 and to each of those affected facilities under Emission Points 17, 18, 19, 20, 21, 22, 23, and 24 that is located at a fixed or portable nonmetallic mineral processing plant that commenced construction, reconstruction, or modification on or before August 31, 1983 that is not associated with a control device or stack.

1. Operating Limitations:

N/A

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

2. Emission Limitations:

a. The materials processed at each affected facility listed above shall be controlled with wet suppression, enclosures, and/or dust collection equipment so as to comply with the requirements specified in Regulation 401 KAR 63:010, Fugitive emissions, Section 3. Standards for fugitive emissions.

b. Pursuant to Regulation 401 KAR 63:010, Section 3 (1), no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:

1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
2) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;
3) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations.
4) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
5) The maintenance of paved roadways in a clean condition;
6) The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.

c. Pursuant to Regulation 401 KAR 63:010, Section 3 (2), no person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

d. Pursuant to Regulation 401 KAR 63:010, Section 3 (3), when dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the Secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or air-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

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

2. Emission Limitations: (Continued)

e. Pursuant to Regulation 401 KAR 63:010, Section 4, Additional Requirements, in addition to the requirements of Section 3 of this regulation, the following shall apply:

1) Pursuant to Regulation 401 KAR 63:010, Section 4 (1), open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered at all times when in motion.

2) Pursuant to Regulation 401 KAR 63:010, Section 4 (4), no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway.

***Compliance Demonstration Method*:**

See Section C, General Condition F.1.

3. Testing Requirements:

a. See Section C, General Condition G.3. (Construction)

b. N/A (Operating)

4. Monitoring Requirements:

See Section C, General Condition F.1.

5. Recordkeeping Requirements:

See Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

a. See Section C, General Conditions C.1., C.2., C.3., F.2, and G.2. (Construction)

b. See Section C, General Conditions C.1., C.2., C.3., and F.2. (Operating)

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

30 (-) Generator (Diesel)

APPLICABLE REGULATIONS:

There are no applicable requirements to these units other than the general applicable requirements.

1. Operating Limitations:

N/A

2. Emission Limitations:

N/A

3. Testing Requirements:

N/A

4. Monitoring Requirements:

See Section C, General Condition F.1.

5. Recordkeeping Requirements:

a. A fuel usage log shall be kept and show the amount of fuel used each month. The fuel usage shall be expressed in gallons.

b. All logs shall be kept on site for five (5) years from the date of last entry and shall be made available, upon request, for inspection by the Cabinet.

c. See Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

a. See Section C, General Conditions C.1., C.2., C.3., F.2, and G.2. (Construction)

b. See Section C, General Conditions C.1., C.2., C.3., and F.2. (Operating)

SECTION C - GENERAL CONDITIONS

A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of State Regulation 401 KAR 52:040, Section 3(1)(b) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.

2. This permit shall remain in effect for a fixed term of ten (10) 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 52:040, Section 15]

3. 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.
[Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1a, 11]

4. Pursuant to materials incorporated by reference by 401 KAR 52:040, this permit may be revised, revoked, reopened, reissued, or terminated for cause. 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. [Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1a, 4 and 5]

5. This permit does not convey property rights or exclusive privileges. [Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1a, 8].

6. 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 52:040 Section 11(3)]

7. This permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee. The permittee shall submit an annual emissions certification pursuant to 401 KAR 52:040, Section 20.

8. For an existing source, all permits previously issued to this source, at this location, are hereby null and void.

SECTION C - GENERAL CONDITIONS (CONTINUED)

B. Recordkeeping Requirements

1. 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 at least five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [Material incorporated by reference by 401 KAR 52:040, Sections 1b, IV. 2) and 1a, 7); and 401 KAR 52:040 Section 3(1)(f)]

2. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 52:040, Section 21.

3. The permittee shall maintain records of all onsite equipment and control equipment, to include the equipment's maximum rated capacity, date of installation, and date of submittal of the application for construction to the Division. The permittee may maintain records consistent with the example format contained in Attachment I.

C. Reporting Requirements

1. Within 90 days of the issuance date of this permit, the permittee shall submit to the Division and the Regional Office listed on the title page of this permit, a complete record of all the equipment and emission points located at the facility, with descriptive information consistent with the example contained in Attachment I of this permit. The list shall include all items located at the facility which are mentioned in Section B (Emission Points, Emissions Units, Applicable Regulations, and Operating Conditions) of this permit.

2. a. In accordance with the provisions of State Regulation 401 KAR 50:055, Section 1 the permittee shall notify the Division for Air Quality's Regional Office listed on the title page of this permit, concerning startups, shutdowns, or malfunctions as follows:
   i. 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.
   ii. 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 cause written notice upon request.

SECTION C - GENERAL CONDITIONS (CONTINUED)

C. Reporting Requirements (Continued)

2. b. The permittee shall promptly report deviations from permit requirements including those attributed to upset conditions [other than emission exceedances covered by Reporting Requirement condition 1 a) above], the probable cause of the deviation, and corrective or preventive measures taken; to the Division for Air Quality's Regional Office listed on the title page of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report. [Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1b. V. 3]

3. The permittee shall furnish information requested by the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the permit. [Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1a, 6].

4. Summary reports of any monitoring required by this permit shall be reported to the Division for Air Quality's Regional Office listed on the title page of this permit, at least every six (6) months during the life of this permit. The summary reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official. All deviations from permit requirements shall be clearly identified in the reports. [401 KAR 52:040, section 21]

D. Inspections

1. In accordance with the requirements of State Regulation 401 KAR 52:040, 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. Inspect any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit.
   d. Sample or monitor 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.

E. Emergencies/Enforcement Provisions

1. The permittee shall not use as 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 [Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1a, 3].

SECTION C - GENERAL CONDITIONS (CONTINUED)

E. Emergencies/Enforcement Provisions (Continued)

2. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or 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 working days after the time when emission limitations were exceeded due to the emergency and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.

3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.

4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

F. Compliance

1. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
   a. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
   b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non routine maintenance performed on each control device. Daily observations are required during daylight hours of all operations, control equipment and any visible emissions to determine whether conditions appear to be either normal or abnormal. If the operations, controls and/or emissions appear abnormal, the permittee must then comply with the requirements of Section C – General Conditions, C.1.b., of this permit.
   c. A log of the monthly production rates shall be kept available at the facility. Compliance with the emission limits may be demonstrated by computer program (spread sheets), calculations or performance tests as may be specified by the Division.

SECTION C - GENERAL CONDITIONS (CONTINUED)

F. Compliance (Continued)

2. Pursuant to State Regulation 401 KAR 52:040, Section 19, the permittee shall annually complete and return a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Regional Office listed on the title page of this permit, in accordance with the following requirements:
   a. Identification of the 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; and
   e. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the Division for Air Quality's Regional Office listed on the title page of this permit and the following address:

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

3. 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 all applicable requirements for:
   a. Applicable requirements included and specifically identified in the permit; or
   b. Non-applicable requirements expressly identified in this permit.

G. New Construction Requirements:

1. Pursuant to State Regulation 401 KAR 52:040, Section 12(3), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, 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 a written request, the cabinet may extend these time periods if the source shows good cause.

2. Pursuant to State Regulations 401 KAR 52:040, Section 12(4)(a) and 401 KAR 59:005, General provisions, Section 3(1), within 30 days following construction commencement, within 15 days following start-up and attainment of maximum production rate, or within 15 days following the issuance date of this permit, whichever is later, the owner and/or operator of the affected facilities specified on this permit shall furnish to the Division for Air Quality's Regional Office listed on the title page of this permit, with a copy to the Division's Frankfort Central Office, the following:
   a. Date when construction commenced, (See General Condition G.1).
   b. Start-up date of each of the affected facilities listed on this permit.

SECTION C - GENERAL CONDITIONS (CONTINUED)

G. New Construction Requirements: (Continued)

c. Date when maximum production rate was achieved, (See General Condition G.3.b).

d. Summary reports, as referenced in Section C, C.3., of any monitoring required by 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, shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

e. The annual compliance certification, as referenced in Section C, F.2., 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 compliance certification, shall indicate that the unit was under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

3. a. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 2(1), this permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within 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 owner or operator shall demonstrate compliance to a duly authorized representative of the Division.

b. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 3(1)(b), unless notification and justification to the contrary are received by this Division, the date of achieving the maximum production rate at which the affected facilities will be operated shall be deemed to be 30 days after initial start-up.

c. Pursuant to State Regulation 401 KAR 50:045, at least 30 days prior to the date of any required performance test(s) for any piece of equipment utilizing a control device which requires performance test(s) to demonstrate compliance, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Central (Frankfort) office. The protocol form shall be utilized by the Division to determine if a pretest meeting is required. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) working days prior to the test(s).

d. Pursuant to 401 KAR 50:045, results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five (45) days of the completion of the field work.

4. Operation of the affected facilities authorized by this permit shall not commence until compliance with applicable standards specified herein has been demonstrated in accordance with the requirements of 401 KAR 52:040, Section 12(4)(b). Until compliance is demonstrated, the source may only operate for the purpose of demonstrating compliance.

ATTACHMENT I

Facility Name: _____

Facility Location: _____ **City:** _____

ID No.: ___ ___ - ___ ___ ___ - ___ ___ ___ ___ **AI No.:** ___ ___ ___ ___ ___

Equipment		Maximum Rated Capacity / Process	Control Equipment	Date Constructed	Date Tested
Number	Description				