

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

Final

AIR QUALITY PERMIT
Issued under 401 KAR 52:020

Permittee Name: Kentucky Utilities
Mailing Address: LG&E KU Energy Company
P.O. Box 32010
Louisville, KY 40232

Source Name: Haefling Peaking Station
Mailing Address: LG&E KU Energy Company
P.O. Box 32010
Louisville, KY 40232

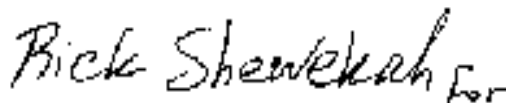
Source Location: 1555 Baumann Road, Lexington, KY 40507

Permit: V-17-029
Agency Interest: 37979
Activity: APE20170001
Review Type: Title V, Operating
Source ID: 21-067-00067

Regional Office: Frankfort Regional Office
300 Sower Boulevard, 1st Floor
Frankfort, KY 40601
(502) 564-3358

County: Fayette

Application
Complete Date: August 10, 2017
Issuance Date: January 13, 2019
Expiration Date: January 13, 2024



Melissa Duff, Director
Division for Air Quality

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	Permit type	Activity#	Complete Date	Issuance Date	Summary of Action
V-17-029	Renewal	APE20170001	8/10/2017	1/13/2019	Renewal

Permit Number: V-17-029

SECTION A - PERMIT AUTHORIZATION

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

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

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.

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

Emission Unit 01 (01-02) - Two Natural gas-fired Combustion Turbines

Description:

Model:	General Electric Model 7L5A1PM7
Heat Input Capacity:	304 million British thermal units per hour (MMBtu/hr), each
Construction Commenced:	1970
Fuel:	Natural Gas and fuel oil

APPLICABLE REGULATIONS:

401 KAR 63:020 - *Potentially Hazardous Matter or Toxic Substances*

1. Operating Limitations:

Not Applicable.

2. Emission Limitations:

The permittee shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants [401 KAR 63:020].

Compliance Demonstration Method: The Cabinet determines that source is in compliance with 401 KAR 63:020 based on the rate of emissions of airborne toxics determined by the cabinet using information provided in the application and supplemental information submitted by the source.

3. Testing Requirements:

Testing shall be conducted at such times as may be required by the Cabinet in accordance with 401 KAR 50:045, Section 4.

4. Specific Monitoring Requirements:

- a. The permittee shall monitor the natural gas burned, in MMscf, and the #2 fuel oil burned, in 1,000-gallon increments, on a monthly basis [401 KAR 52:020, Section 10].
- b. The permittee shall monitor the hours of operation of each turbine, on a monthly basis [401 KAR 52:020, Section 10].

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of the natural gas burned, in MMscf, and the #2 fuel oil burned, in 1,000-gallon increments, on a monthly basis [401 KAR 52:020, Section 10].
- b. The permittee shall maintain records of the hours of operation of each turbine, on a monthly basis [401 KAR 52:020, Section 10].

6. Specific Reporting Requirements:

See Section F., **Monitoring, Recordkeeping, and Reporting Requirements.**

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

Emission Unit 02 - Three Diesel-fired Black Start Reciprocating Engines

Description:

Engine:	1	2	3
Model:	Cummins	Cummins	Cummins
Power Output:	300 hp	300 hp	450 hp
Construction Commenced:	1970	1970	prior to June 12, 2006
Fuel:	#2 fuel oil	#2 fuel oil	#2 fuel oil

APPLICABLE REGULATIONS:

40 CFR 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Note: On May 4, 2016, D.C. Circuit Court [*Delaware v. EPA*, 785 F. 3d 1 (D.C. Cir. 2015)] vacated the provisions in 40 CFR 63, Subpart ZZZZ that contain the 100-hour exemption for operation of emergency engines for purposes of emergency demand response under 40 CFR 63.6640(f)(2)(ii)-(iii).

1. Operating Limitations:

- a. For each engine the permittee shall [40 CFR 63.6603(a) referencing 40 CFR 63, Subpart ZZZZ, Table 2d, Item 4]:
 - i. Change the oil and filters every 500 hours of operation or annually, whichever comes first [40 CFR 63, Subpart ZZZZ, Table 2d, Item 4(a)];
 - ii. Inspect the air cleaners every 1,000 hours of operation or annually, whichever comes first [40 CFR 63, Subpart ZZZZ, Table 2d, Item 4(b)]; and
 - iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary [40 CFR 63, Subpart ZZZZ, Table 2d, Item 4(c)].
 - iv. The permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in 40 CFR 63, Subpart ZZZZ, Table 2d, Item 4(a) [40 CFR 63.6625(i), 1st Sentence].
 - A. The oil analysis must be performed at the same frequency as listed in 40 CFR 63, Subpart ZZZZ, Table 2d, Item 4(a) (500 hours) [40 CFR 63.6625(i), 2nd Sentence].
 - B. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows [40 CFR 63.6625(i), 3rd & 4th Sentences]:
 - I. Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5 [40 CFR 63.6625(i), 4th Sentence].
 - II. If all of these condemning limits are not exceeded, the permittee is not required to change the oil. If any of the limits are exceeded, the permittee must change the oil within two (2) days of receiving the results of the analysis [40 CFR 63.6625(i), 5th and 6th Sentence];

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

- C. If an engine is not in operation when the results of the analysis are received, the permittee must change the oil within two days or before commencing operation, whichever is later [40 CFR 63.6625(i), 7th Sentence].
 - D. The permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engines. The analysis program must be part of the maintenance plan for the engines [40 CFR 63.6625(i), 8th Sentence]
- b. The permittee shall be in compliance with the operating limitations of 40 CFR 63, Subpart ZZZZ that apply, at all times. At all times the permittee shall operate and maintain the engines, including any associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance standards are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source [40 CFR 63.6605 and 40 CFR 63.6625(e)(3)].
 - c. The permittee shall operate and maintain the engines according to the manufacturer's emission-related operation and maintenance instructions [40 CFR 63, Subpart ZZZZ, Table 6, Item 9(a)].
 - d. The permittee shall develop and follow a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions
2. **Emission Limitations:**
None.
3. **Testing Requirements:**
Testing shall be conducted at such times as may be required by the Cabinet in accordance with 401 KAR 50:045, Section 4.
4. **Specific Monitoring Requirements:**
The permittee shall monitor the amount of fuel burned, in 1,000-gallon increments, and hours of operation for the engines on a monthly basis [401 KAR 52:020, Section 10].
5. **Specific Recordkeeping Requirements:**
- a. In accordance with 40 CFR 63.10(b)(1), the permittee shall keep each record readily accessible in hard copy or electronic form for five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The records shall be in a form suitable and readily available for expeditious review [40 CFR 63.6660].
 - b. The permittee shall maintain records of the amount of fuel burned and hours of operation for the engines on a monthly basis [401 KAR 52:020, Section 10].

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

6. Specific Reporting Requirements:

The permittee must report each instance in which an applicable emission limitation or operating limitation from 40 CFR 63, Subpart ZZZZ, was not met. These instances are deviations from the emission and operating limitations. These deviations must be reported according to the requirements in 40 CFR 63.6650 [40 CFR 6640(b)].

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SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. 125,000 gal fuel oil storage tank	N/A
2. Various lube oil storage tanks	N/A
3. Three Turbine oil reservoirs, 1,700 gal. each	N/A

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SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve consecutive months.

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SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

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SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a) Date, place as defined in this permit, and time of sampling or measurements;
 - b) Analyses performance dates;
 - c) Company or entity that performed analyses;
 - d) Analytical techniques or methods used;
 - e) Analyses results; and
 - f) Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five (5) years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b-IV-2 and 1a-8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020, Section 3(1)h, 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 Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020, Section 23. 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,

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

- Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1, the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a) When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b) When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
 8. The permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken shall be submitted to the Regional Office listed on the front of this permit. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement does not identify a specific time frame for reporting deviations, prompt reporting, as required by Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, shall be defined as follows:
 - a) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
 - b) For emissions of any regulated air pollutant, excluding those listed in F.8.a., that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
 - c) All deviations from permit requirements, including those previously reported, shall be included in the semiannual report required by F.6.
 9. Pursuant to 401 KAR 52:020, Title V permits, 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 and the U.S. EPA 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.
 - 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.

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

- f) The certification shall be submitted by January 30th of each year. Annual compliance certifications shall be sent to the following addresses:

Division for Air Quality
Frankfort Regional Office
300 Sower Blvd, 1st Floor
Frankfort, KY 40601

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St. SW
Atlanta, GA 30303-8960

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within 30 days of the date the Kentucky Emissions Inventory System (KYEIS) emissions survey is mailed to the permittee.

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SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements:

- a) The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020, 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 termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, 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-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c) This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - i) 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 52:020, Section 12;
 - ii) The Cabinet or the United States Environmental Protection Agency (U. S. EPA) determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - iii) 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;
 - iv) New requirements become applicable to a source subject to the Acid Rain Program.

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- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- e) Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020, Section 3(1)(c)].

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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 52:020, 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-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, 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-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i) All emission limitations and standards contained in this permit shall be enforceable as a practical matter. All emission limitations and standards contained in this permit are enforceable by the U.S. EPA and citizens except for those specifically identified in this permit as state-origin requirements. [Section 1a-15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, 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-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, 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 52:020, Section 11(3) 2].
- l) This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, 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 [401 KAR 52:020, Section 11(3) 4.].
- 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 [401 KAR 52:020, Section 11(3) 1.].
- 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

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SECTION G - GENERAL PROVISIONS (CONTINUED)

incorporates all requirements of those existing permits into one single permit for this source.

- q) Pursuant to 401 KAR 52:020, 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:
 - i) Applicable requirements that are included and specifically identified in this permit; and
 - ii) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements:

- a) This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six (6) months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- b) The authority to operate granted 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 52:020, Section 8(2)].

3. Permit Revisions:

- a) A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the State Implementation Plan (SIP) or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, 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.

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

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SECTION G - GENERAL PROVISIONS (CONTINUED)

- (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.
- b) The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NOx compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.
7. Emergency Provisions:
- a) Pursuant to 401 KAR 52:020, Section 24(1), 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:
- i) An emergency occurred and the permittee can identify the cause of the emergency;
- ii) The permitted facility was at the time being properly operated;
- iii) 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
- iv) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.1-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
- v) This requirement does not relieve the source of other local, state or federal notification requirements.

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SECTION G - GENERAL PROVISIONS (CONTINUED)

- b) Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
 - c) In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(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:
 - i) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - ii) 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.
 - iii) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - iv) 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
 - v) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - vi) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
 - b) If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.
9. Risk Management Provisions
- a) The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 10162
Fairfax, VA 22038
 - b) If requested, submit additional relevant information to the Division or the U.S. EPA.

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SECTION H - ALTERNATE OPERATING SCENARIOS

Not Applicable.

SECTION I - COMPLIANCE SCHEDULE

Not Applicable.