



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Region 4  
Air, Pesticides and Toxics Management Division  
61 Forsyth Street  
Atlanta, Georgia 30303-8960

**FEDERAL AIR QUALITY OPERATING PERMITS PROGRAM  
TITLE V PERMIT TO OPERATE**

**Permit Number:** P71-JKY-001

**Effective Date:** November 22, 2004

**Expiration Date:** November 22, 2009

In accordance with the provisions of Title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

**Louisville Gas & Electric Company, Muldraugh Compressor Station**  
P.O. Box 32010  
Louisville, Kentucky 40232

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate in the following location(s):

**on highway 31W, Muldraugh, Meade County, Kentucky**

Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

The permit number cited above should be referenced in future correspondence regarding this facility.

Handwritten signature of Beverly H. Banister in black ink.

Beverly H. Banister, Director  
Air, Pesticides and Toxics Management Division

9/29/04  
Date

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### ABBREVIATIONS AND ACRONYMS

AR	Acid Rain
ARP	Acid Rain Program
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
cu.ft (ft <sup>3</sup> )	Cubic Feet
EIP	Economic Incentives Programs
gal	gallon
H <sub>2</sub> O	Water
H <sub>2</sub> S	Hydrogen Sulfide
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
mmBtu	Million British Thermal Units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
PM	Particulate Matter
PM10	Particulate matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	pounds per square inch absolute
RMP	Risk Management Plan
SNAP	Significant New Alternatives Program
SO <sub>2</sub>	Sulfur Dioxide
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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### I. SOURCE IDENTIFICATION AND UNIT-SPECIFIC INFORMATION

#### I.A. General Source Information

##### I.A.1. Owner Information

<b>Parent Company name:</b>	Louisville Gas & Electric Company
<b>Parent Company Mailing Address:</b>	P.O. Box 32010
<b>City:</b>	Louisville
<b>State:</b>	Kentucky
<b>Zip:</b>	40232

##### I.A.2. Source Information

<b>Plant Name:</b>	Louisville Gas & Electric Company, Muldraugh Compressor Station	
<b>Plant Location:</b>	on Highway 31W	
<b>City:</b>	Muldraugh	
<b>State:</b>	Kentucky	
<b>Zip:</b>	83536-4266	
<b>County:</b>	Meade	
<b>Plant Location:</b>	UTM Coordinates - 4198.6N, 586.6E	
<b>SIC Code (4 digit, if available):</b>	4922	
<b>AFS Plant Identification Number:</b>	21-163-00017	
<b>EPA Region:</b>	4	
<b>Other Clean Air Act Permits:</b>	None	

##### I.A.3. Contact Information

<b>Company Contact:</b>	Marlene Zeckner Pardee	Phone: 502-627-2343
<b>Plant Manager/Contact:</b>	Dave Harmeling	Phone: 502-364-8552
<b>Responsible Official:</b>	Butch Cockerill	Phone: 502-627-4772
<b>Local Government Contact:</b>	Commonwealth of Kentucky, Division for Air Quality	Phone: 502-573-3382

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### I.A.4. Description of Process:

Louisville Gas & Electric Company, Muldraugh Compressor Station (the permittee) is a NG (natural gas) compression, storage and purification station. The station is operated as a peak shaving operation where NG is stored during the summer months in underground storage fields and withdrawn in the cold months. When the NG is withdrawn from the storage fields it is filtered, compressed, purified (H<sub>2</sub>S removed) and dehydrated (H<sub>2</sub>O removed).

### I.B. Source Emission Points

**Table 1. Source Emission Points**

The following table identifies and describes each emissions unit, such as process units and control devices.

Emissions Units		Air Pollution Control Devices	
ID. No.	Description	ID. No.	Description
01	5.1 MM Btu/hr Internal Combustion Natural Gas Fired Reciprocating Integral Compressor Unit/Two-Cycle Lean Burning	None	None
02	Six (6) 10.4 MM Btu/hr Internal Combustion Natural Gas Fired Reciprocating Integral Compressor Units/Two-Cycle Lean Burning	None	None
03	Two (2) 14.2 MM Btu/hr Compressor Units/Natural Gas Fired Turbines	None	None
04	Natural Gas Fired Purification Plants #2 and #3, controlled by a 5.1 MM Btu/hr, H <sub>2</sub> S Afterburner	AB-1	5.1 MM Btu/hr H <sub>2</sub> S Afterburner
05	12.6 MM Btu/hr Indirect Heat Exchanger (Natural Gas Fired Unit for Purification Plant #3)	None	None
06	12.3 MM Btu/hr Caterpillar Gas Engine - Standby Generator	None	None
07	One (1) 10 MM Btu/hr Indirect Heat Exchanger (purifier #2 boiler)	None	None
08	Natural Gas Fired Purification Plant #1, controlled by a 5.1 MM Btu/hr, H <sub>2</sub> S Afterburner	AB-1	5.1 MM Btu/hr H <sub>2</sub> S Afterburner

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## Table 2. Insignificant Emission Units

The following table describes each insignificant emissions unit located at the source.

Insignificant Emissions Units Description
Three (3) direct natural gas-fired boilers for purification plant # 1 with rated capacity of 1.5, 5.0 and 5.0 MM Btu/hr
One (1) natural gas-fired boiler for glycol dehydration with rated capacity of 2 MM Btu/hr
One (1) BTEX afterburner for glycol dehydration unit with rated capacity of 2 MM Btu/hr
Anti-freeze usage for compressor engine cooling
One (1) metal degreaser (non-VOC solvent)
One (1) BTEX thermal oxidizer for glycol dehydration unit with rated capacity of 2 MM Btu/hr

### I.C. Applicable Federal Air Quality Requirements

Emissions units number 05 and 07 are subject to the SIP (State Implementation Plan) applicable requirements. Emissions unit number 04 is subject to NSPS (New Source Performance Standards) Part 60, Subpart LLL. More specific information on the applicability of specific requirements to emissions units is found in sections II and III of this permit. Note that chemical accident prevention (part 68) imposes a RMP (risk management plan) submittal requirement, if applicable, on the facility as a whole, rather than on specific units. This section of the permit (I.C.) is not designed to define the applicability or non-applicability of any permit shield.

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### II. REQUIREMENTS FOR SPECIFIC EMISSIONS UNITS

Emissions Units		Applicable Requirements / Standards
ID. No.	Description	
01	One (1) 5.1 MM Btu/hr Internal Combustion Natural Gas Fired Reciprocating Integral Compressor Unit/Two-Cycle Lean Burning	None
02	Six (6) 10.4 MM Btu/hr Internal Combustion Natural Gas Fired Reciprocating Integral Compressor Units/Two-Cycle Lean Burning	None
03	Two (2) 14.2 MM Btu/hr Compressor Units/Natural Gas Fired Turbines	None
04	Natural Gas Fired Purification Plants #2 and #3, controlled by a 5.1 MM Btu/hr, H <sub>2</sub> S Afterburner	40 CFR 60 Subpart LLL; Federally-enforceable permit to construct/operate S-95-093 issued by the Kentucky Department for Environmental Protection on May 15, 1995
05	One (1) 12.6 MM Btu/hr Indirect Heat Exchanger (Natural Gas Fired Unit for Purification Plant #3)	401 KAR 61:015, Section 4(4) and Regulation No. 7; 401 KAR 61:015, Section 5(1)
06	One (1) 12.3 MM Btu/hr Caterpillar Gas Engine - Standby Generator	None
07	One (1) 10 MM Btu/hr Indirect Heat Exchanger (purifier #2 boiler)	401 KAR 61:015 Section 4(1); 401 KAR 61:015 Section 4(3); 401 KAR 61:015, Section 5(1)
08	Natural Gas Fired Purification Plant #1, controlled by a 5.1 MM Btu/hr, H <sub>2</sub> S Afterburner	Federally-enforceable permit to construct/operate S-95-093 issued by the Kentucky Department for Environmental Protection on May 15, 1995

#### II.A. Emission Limits [40 CFR § 71.6(a)(1), § 71.6(a)(1)(i) and § 71.6(a)(1)(iii)]

##### Emission limitations for emissions unit no. 04:

- Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions. [40 CFR 60 Subpart LLL]

As long as LG&E conducts appropriate monitoring (as required in section II.D. of this permit) and verifies that the sulfur feed rates from Purification Plant #2 and Purification Plant #3 are both below 2 long tons per day, LG&E does not have to comply with the SO<sub>2</sub> emission reduction efficiencies required in 40 CFR § 60.642(a) and (b). However, at any time that the sulfur feed rate from either Purification Plant #2 or Purification Plant #3 is equal to or greater than 2 long tons per day, LG&E must

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comply with the SO<sub>2</sub> emission reduction efficiencies required in 40 CFR § 60.642(a) and (b).

### **Emission limitations for emissions unit no. 05:**

2. Particulate matter emissions shall not exceed 0.62 lb/MMBtu based on a three-hour average. [401 KAR 61:015, Section 4(4) and Regulation No. 7]
3. Visible particulate matter emissions shall not exceed 40 percent opacity as a six-minute average. [401 KAR 61:015, Section 4(4) and Regulation No. 7]
4. Sulfur dioxide emissions shall not exceed 5.41 lbs/MMBtu based on a 24-hour average. [401 KAR 61:015, Section 5(1)]

### **Emission limitations for emissions unit no. 07:**

5. Particulate matter emissions shall not exceed 0.75 lb/MMBtu based on a three-hour average. [401 KAR 61:015, Section 4(1)]
6. Visible particulate matter emissions shall not exceed 40 percent opacity as a six-minute average, except as provided in 401 KAR 61:015, Section 4(3)(a)-(c). [401 KAR 61:015, Section 4(3)]
7. Sulfur dioxide emissions shall not exceed 6.0 lbs/MMBtu based on a 24-hour average. [401 KAR 61:015, Section 5(1)]

### **II.B. Work Practice and Operational Requirements [40 CFR § 71.6(a)(1), § 71.6(a)(1)(i), and § 71.6(a)(1)(iii)]**

#### **Operational requirements for emissions units no. 04 and no. 08:**

1. The combined annual processing rate for the purification plants (plants 1, 2 and 3) shall not exceed 7,100 MM SCF in any 12 consecutive month period. [Federally-enforceable permit to construct/operate S-95-093 issued by the Kentucky Department for Environmental Protection on May 15, 1995]
2. The concentration of Hydrogen Sulfide (H<sub>2</sub>S) processed in purification plants 2 and 3 shall not exceed an annual average of 20 grains/100 ft<sup>3</sup>. [Federally-enforceable permit to construct/operate S-95-093 issued by the Kentucky Department for Environmental Protection on May 15, 1995]
3. The maximum amount of natural gas processed per purification plant (in purification plants 2 and 3) shall not exceed 4.38 MMSCF/hour (105 MMSCF/day). [Federally-enforceable permit to construct/operate S-95-093 issued by the Kentucky Department

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for Environmental Protection on May 15, 1995]

4. The maximum amount of natural gas processed in purification plant 1 shall not exceed 2.08 MMSCF/hour (50 MMSCF/day). [Federally-enforceable permit to construct/operate S-95-093 issued by the Kentucky Department for Environmental Protection on May 15, 1995]

### **Operational requirement for emissions units no. 05 and no. 07:**

5. Emissions units no. 05 and no. 07 shall combust natural gas only. [40 CFR § 70.6(a)(1)]

### **II.C. Alternative Operating Scenarios [40 CFR § 71.6(a)(9)]**

None

### **II.D. Monitoring and Testing Requirements [40 CFR § 71.6(a)(3)(i)(A) through (C)]**

#### **Monitoring of emissions and operations for emissions unit no. 04: [40 CFR § 60.646]**

1. LG&E shall install, calibrate, maintain, and operate monitoring devices or perform measurements to determine the following operations information on a daily basis: [40 CFR § 60.646(a)]
  - a. The H<sub>2</sub>S concentration in the acid gas from each sweetening unit (of Purification Plants #2 and #3) for each 24-hour period shall be analyzed/monitored. Monitoring will be achieved by measurements/calculations, which use data from the continuous H<sub>2</sub>S monitor and flow rate data to calculate the daily H<sub>2</sub>S concentration. The Administrator may require the owner or operator to demonstrate that the H<sub>2</sub>S concentration obtained from one or more samples over a 24-hour period is within  $\pm 20$  percent of the average of 12 samples collected at equally spaced intervals during the 24-hour period. In instances where the H<sub>2</sub>S concentration of a single sample is not within  $\pm 20$  percent of the average of the 12 equally spaced samples, the Administrator may require a more frequent sampling schedule. [40 CFR § 60.646(a), 40 CFR § 71.6(a)(3)(i)(A) through (C)]
  - b. Owners and operators of a continuous emissions monitoring system installed in accordance with the provisions of 40 CFR Part 60, must automatically check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in appendix B of 40 CFR Part 60. The system must allow the amount of the excess zero and span drift to be

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recorded and quantified whenever specified. [40 CFR § 60.13(d)(1)]

- c. The daily long tons of sulfur fed to the sweetening units (of Purification Plants #2 and #3) shall be computed using the following equation: (Long tons per day) = (Daily H<sub>2</sub>S concentration, in grains per hundred standard cubic feet) \* (Daily volume of gas sweetened, in thousands of standard cubic feet) \* (1 lb/7000 grains) \* (1 Long ton/2,240 lbs) \* 10 \* 32/34. [40 CFR § 60.646(a), 40 CFR § 71.6(a)(3)(i)(A) through (C)]

### Monitoring and testing requirements for emissions units no. 05 and no. 07:

2. Assurance of compliance with the emission limitations for emissions unit no. 05 in section II.A. above shall be determined by the monitoring method below. If requested or required, compliance with the emission limitations for emissions unit no. 05 in section II.A. above shall be determined by the compliance methods below.

Emission Limitation	Compliance Method	Monitoring Method
Particulate matter emissions shall not exceed 0.62 lb/MMBtu based on a three-hour average	If required, the permittee can demonstrate compliance with this limitation by performing emission testing in accordance with 40 CFR Part 60, Appendix A, Method 5.	Multiply the maximum hourly gas burning capacity of the emissions unit (0.0126 MM cu.ft/hr) by the AP-42 particulate matter emissions factor (Fifth Edition, Table 1.4-2, 7/98) for natural gas combustion (7.6 lb/MM cu.ft) and dividing by the maximum heat input capacity of the emissions unit (12.6 MMBtu/hr). Compliance with this limitation is assured when the emissions unit combust natural gas. See section II.B.5 for operational restriction to combust natural gas only. See section II.E.6 for recordkeeping requirements to monitor compliance with combustion of natural gas only.
Visible particulate matter emissions shall not exceed 40 percent opacity as a six-minute average.	If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9.	Compliance with this limitation is assured when the emissions unit combust natural gas. See section II.B.5 for operational restriction to combust natural gas only. See section II.E.6 for recordkeeping requirements to monitor compliance with combustion of natural gas only.

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Emission Limitation	Compliance Method	Monitoring Method
Sulfur dioxide emissions shall not exceed 5.41 lbs/MMBtu based on a 24-hour average.	If required, the permittee can demonstrate compliance with this limitation by performing emission testing in accordance with 40 CFR Part 60, Appendix A, Method 6.	Multiply the maximum hourly gas burning capacity of the emissions unit (0.0126 MM cu.ft/hr) by the AP-42 sulfur dioxide emissions factor (Fifth Edition, Table 1.4-2, 7/98) for natural gas combustion (0.6 lb/MM cu.ft) and dividing by the maximum heat input capacity of the emissions unit (12.6 MMBtu/hr). Compliance with this limitation is assured when the emissions unit combust natural gas. See section II.B.5 for operational restriction to combust natural gas only. See section II.E.6 for recordkeeping requirements to monitor compliance with combustion of natural gas only.

3. Assurance of compliance with the emission limitations for emissions unit no. 07 in section II.A. above shall be determined by the monitoring method below. If requested or required, compliance with the emission limitations for emissions unit no. 07 in section II.A. above shall be determined by the compliance methods below.

Emission Limitation	Compliance Method	Monitoring Method
Particulate matter emissions shall not exceed 0.75 lb/MMBtu based on a three-hour average	If required, the permittee can demonstrate compliance with this limitation by performing emission testing in accordance with 40 CFR Part 60, Appendix A, Method 5.	Multiply the maximum hourly gas burning capacity of the emissions unit (0.01 MM cu.ft/hr) by the AP-42 particulate matter emissions factor (Fifth Edition, Table 1.4-2, 7/98) for natural gas combustion (7.6 lb/MM cu.ft) and dividing by the maximum heat input capacity of the emissions unit (10 MMBtu/hr). Compliance with this limitation is assured when the emissions unit combust natural gas. See section II.B.5 for operational restriction to combust natural gas only. See section II.E.6 for recordkeeping requirements to monitor compliance with combustion of natural gas only.
Visible particulate matter emissions shall not exceed 40 percent opacity as a six-minute average.	If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9.	Compliance with this limitation is assured when the emissions unit combust natural gas. See section II.B.5 for operational restriction to combust natural gas only. See section II.E.6 for recordkeeping requirements to monitor compliance with combustion of natural gas only.

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Emission Limitation	Compliance Method	Monitoring Method
Sulfur dioxide emissions shall not exceed 6.0 lbs/MMBtu based on a 24-hour average.	If required, the permittee can demonstrate compliance with this limitation by performing emission testing in accordance with 40 CFR Part 60, Appendix A, Method.6.	Multiply the maximum hourly gas burning capacity of the emissions unit (0.01 MM cu.ft/hr) by the AP-42 sulfur dioxide emissions factor (Fifth Edition, Table 1.4-2, 7/98) for natural gas combustion (0.6 lb/MM cu.ft) and dividing by the maximum heat input capacity of the emissions unit (10 MMBtu/hr). Compliance with this limitation is assured when the emissions unit combust natural gas. See section II.B.5 for operational restriction to combust natural gas only. See section II.E.6 for recordkeeping requirements to monitor compliance with combustion of natural gas only.

**II.E. Recordkeeping Requirements [40 CFR §71.6(a)(3)(ii)]**

**Recordkeeping requirements for emissions units no. 04 and no. 08:**

1. LG&E shall maintain the following records: [40 CFR §71.6(a)(3)(i)(B)]
  - a. The amount of natural gas processed in each purification plant each day, in MM SCF;
  - b. The amount of natural gas processed in the purification plants per 12 consecutive months, in MM SCF;
  - c. The concentration of Hydrogen Sulfide (H<sub>2</sub>S) of the natural gas processed each day in purification plants 2 and 3, in grains/100ft<sup>3</sup>;
  - d. The 365-day average of Hydrogen Sulfide (H<sub>2</sub>S) concentration of the natural gas processed in purification plants 2 and 3, in grains/100ft<sup>3</sup>.

**Recordkeeping requirements for emissions unit no. 04 from 40 CFR §60.647:**

2. Records of the calculations and measurements required in Section II.A.1. and Section II.D.1. must be retained for at least 5 years following the date of the measurements by owners and operators subject to this subpart. This requirement is included under 40 CFR §60.7(d) of the General Provisions. [40 CFR §60.647(a)]
3. To certify that a facility is exempt from the control requirements of these standards, each owner or operator of a facility with a design capacity less than 2 LT/D of H<sub>2</sub>S in the acid gas (expressed as sulfur) shall keep, for the life of the facility, an analysis demonstrating that the facility's design capacity is less than 2 LT/D of H<sub>2</sub>S expressed

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as sulfur. [40 CFR § 60.647(c)]

### **Recordkeeping requirements for emissions units no. 05 and no. 07:**

4. LG&E shall record each day the type of fuel combusted in emissions units no. 05 and no. 07. [40 CFR § 71.6(a)(3)(i)(B)]

### **General recordkeeping requirements:**

5. In addition to the unit specific recordkeeping requirements derived from the applicable requirements for each individual unit, LG&E shall comply with the following generally applicable recordkeeping requirements: [40 CFR § 71.6(a)(3)(ii)]
  - a. LG&E shall keep records of required monitoring information that include the following: [40 CFR § 71.6(a)(3)(ii)(A)]
    - i. The date, place, and time of sampling or measurements;
    - ii. The date(s) analyses were performed;
    - iii. The company or entity that performed the analyses;
    - iv. The analytical techniques or methods used;
    - v. The results of such analyses; and
    - vi. The operating conditions as existing at the time of sampling or measurement.
  - b. LG&E shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [40 CFR § 71.6(a)(3)(ii)(B)]

### **II.F. Reporting Requirements [40 CFR § 71.6(a)(3)(iii)]**

#### **General reporting requirements:**

1. LG&E shall submit reports of any monitoring required under 40 CFR §§ 71.6(a)(3)(i)(A), (B), or (C) every 6 months from the date of issuance of this permit. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Section IV.F.1. of this permit. [40 CFR § 71.6(a)(3)(iii)]

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- a. A monitoring report under this section must include the following:
  - i. The company name and address;
  - ii. The beginning and ending dates of the reporting period;
  - iii. The emissions unit or activity being monitored;
  - iv. The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored;
  - v. All instances of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and including excursions or exceedances as defined under 40 CFR part 64, and the date on which each deviation occurred;
  - vi. If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period;
  - vii. If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations;
  - viii. All other monitoring results, data, or analyses required to be reported by the applicable requirement; and
  - ix. The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
- b. Any report required by an applicable requirement that provides the same information described in 2(a)(i) through (ix) above shall satisfy the requirement under 2(a).
- c. "Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with 40 CFR §§

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71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- i. A situation where emissions exceed an emission limitation or standard;
  - ii. A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
  - iii. A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit;
  - iv. A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.
2. LG&E shall promptly report to the EPA Regional Office deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows: [40 CFR §71.6(a)(3)(iii)(B)]
- a. Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
  - b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
    - i. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the 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.
    - ii. For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two (2) hours in excess of permit requirements, the report must be made within 48 hours.
    - iii. For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in 40 CFR §71.6(a)(3)(iii)(A).
3. If any of the conditions in 2.b.i. - iii. above are met, the source must notify EPA by telephone or facsimile based on the timetables listed above. A written notice,

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certified consistent with Section IV.F.1. of this permit must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required in 40 CFR §71.6(a)(3)(iii)(A).

### **II.G. General Provisions of NSPS, NESHAP, and MACT (as applicable)** [See 40 CFR parts 60, 61, and 63]

#### **General notification and recordkeeping requirements:** [40 CFR § 60.7]

1. Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows: [40 CFR § 60.7(a)]
  - a. A notification of the date construction (or reconstruction as defined under 40 CFR § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form. [40 CFR § 60.7(a)(1)]
  - b. A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date. [40 CFR § 60.7(a)(3)]
  - c. A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR § 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice. [40 CFR § 60.7(a)(4)]
2. Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. [40 CFR § 60.7(b)]
3. If notification substantially similar to that in paragraph (a) of 40 CFR § 60.7 is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of 40 CFR § 60.7. [40 CFR § 60.7(g)]
4. Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section. [40 CFR § 60.7(h)]

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**II.H. Acid Rain Requirements** [40 CFR § 71.6(a)(1)(ii), § 71.6(a)(4), § 71.7(e), & § 71.7(d)(2); and 40 CFR §§ 72.9, 72.31, and 72.50.]

None

**II.I. Compliance Schedule and Progress Reports** [40 CFR § 71.6(c)(3) and (4) and § 71.5(c)(8)(iii)]

For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements. [40 CFR § 71.5(c)(8)(iii)(A)]

**III. FACILITY-WIDE OR GENERIC PERMIT REQUIREMENTS**

None

**III.A. Permit Shield** [40 CFR § 71.6(f)]

Nothing in this permit shall alter or affect the following: [40 CFR § 71.6(f)(3)]

1. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance; [40 CFR § 71.6(f)(3)(i)]
2. The ability of the EPA to obtain information under Section 114 of the Clean Air Act or; [40 CFR § 71.6(f)(3)(ii)]
3. The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section; [40 CFR § 71.6(f)(3)(iii)]

**III.B. Emissions Trading and Operational Flexibility** [40 CFR § 71.6(a)(13)(i) through (iii), § 71.6(a)(8) and § 71.6(a)(10)]

1. LG&E is allowed to make a limited class of changes under Section 502(b)(10) of the Clean Air Act within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:
  - a. Changes that would violate applicable requirements; or
  - b. Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements. [40 CFR § 71.6(13)(i)]

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2. LG&E is required to send a notice to EPA at least 7 days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. LG&E shall attach each notice to its copy of this permit. [40 CFR § 71.6(13)(i)(A)]
3. Any permit shield provided in this permit does not apply to changes made under this provision. [40 CFR § 71.6(13)(i)(B)]
4. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes, for changes that are provided for in this permit. [40 CFR § 71.6(a)(8)]

### **III.C. Chemical Accident Prevention** [Clean Air Act Sections 112(r)(1), 112(r)(3), 112(r)(7) & 40 CFR Part 68]

1. The following activities are considered essential and necessary to satisfy the general duty requirements of section 112(r)(1) of the Act: [CAA § 112(r)(1)]
  - a. Identify hazards which may result from accidental releases using appropriate hazard assessment techniques.
  - b. Design, maintain, and operate a safe facility.
  - c. minimize the consequences of accidental releases if they occur.
2. A permittee of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR §68.115, shall comply with the requirements of the Chemical Accident Prevention Provisions at 40 CFR Part 68 no later than the latest of the following dates: [40 CFR § 68.10(a)]
  - a. June 21, 1999;
  - b. Three years after the date on which a regulated substance is first listed under 40 CFR § 68.130; or
  - c. The date on which a regulated substance is first present above a threshold quantity in a process.
3. LG&E is required to submit an application for a permit revision upon becoming subject to part 68 (i.e., the requirements of paragraph (b) are met) after this permit is issued. LG&E can initiate a permit revision or a permitting authority can initiate a permit reopening for sources that become subject to part 68. [40 CFR § 68.215(c)]

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### III.D. Stratospheric Ozone and Climate Protection [40 CFR part 82]

1. LG&E shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR §82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR §82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR §82.161.
2. If LG&E performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, LG&E is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

## IV. PART 71 ADMINISTRATIVE REQUIREMENTS

### IV.A. Annual Fee Payment [40 CFR §71.6(a)(7) and 40 CFR §71.9]

1. LG&E shall pay the initial fee three (3) months after the issuance of this permit. [40 CFR § 71.9(g)]
2. LG&E shall pay the annual permit fee each year on the anniversary date of the initial fee calculation worksheet submittal. [40 CFR § 71.9(h)]
3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency. [40 CFR § 71.9(k)(1)]
4. LG&E shall send fee payment and a completed fee filing form to: [40 CFR § 71.9(k)(2)]

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U.S. Environmental Protection Agency - Region 4  
Bank of America  
P.O. Box 100142  
Atlanta, Georgia 30384

5. LG&E shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section IV.E. of this permit. [40 CFR § 71.9(h)(1)]
6. Basis for calculating annual fee:
  - a. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all "regulated pollutants (for fee calculation)" emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation. [40 CFR § 71.9(c)(1)]
    - i. "Actual emissions" means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [40 CFR § 71.9(c)(6).]
    - ii. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. [40 CFR § 71.9(h)(3)]
    - iii. If actual emissions cannot be determined using the compliance methods in the permit, LG&E shall use other federally recognized procedures. [40 CFR § 71.9(e)(2)]
    - iv. The term "regulated pollutant (for fee calculation)" is defined in 40 CFR § 71.2.
    - v. LG&E should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.
  - b. LG&E shall exclude the following emissions from the calculation of fees:
    - i. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year. [40 CFR

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§ 71.9(c)(5)(i)]

- ii. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation. [40 CFR § 71.9(c)(5)(ii)]
  - iii. The quantity of actual emissions (for fee calculation) of insignificant activities [defined in 40 CFR § 71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in LG&E's application pursuant to 40 CFR § 71.5(c)(11)(ii). [40 CFR § 71.9(c)(5)(iii)]
7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official. The permittee should note that the fee calculation worksheet form already incorporates a section to help you meet this responsibility. [40 CFR § 71.9(h)(2)]
  8. LG&E shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by LG&E for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR § 71.6(a)(3)(ii). [40 CFR § 71.9(i)]
  9. Failure of LG&E to pay fees in a timely manner shall subject LG&E to assessment of penalties and interest in accordance with 40 CFR § 71.9(l). [40 CFR § 71.9(l)]
  10. When notified by EPA of underpayment of fees, LG&E shall remit full payment within 30 days of receipt of notification. [40 CFR § 71.9(j)(2)]
  11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee. [40 CFR § 71.9(j)(3)]

**IV.B. Annual Emissions Inventory** [40 CFR § 71.9(h)(1)and (2)]

LG&E shall submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPS for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA on the anniversary date of the initial fee calculation work sheet. The annual emissions report shall be submitted to EPA at the address listed in provision IV.F of this permit. The permittee should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet form as a

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convenience.

**IV.C. Blanket Compliance Statements** [40 CFR § 71.6(a)(6)(i) and (ii), and sections 113(a) and 113(e)(1) of the Act, and § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

1. LG&E must comply with all conditions of this Part 71 permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [40 CFR § 71.6(a)(6)(i)]
2. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR § 71.6(a)(6)(ii)]
3. For the purpose of submitting compliance certifications in accordance with Section VI.D. of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [Section 113(a) and 113(e)(1) of the Act, 40 CFR § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

**IV.D. Compliance Certifications** [40 CFR § 71.6(c)(5)]

LG&E shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually on the anniversary of the date of issue of this permit. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with 40 CFR § 71.5(d). [40 CFR § 71.6(c)(5)]

1. The certification shall include the following:
  - a. Identification of each permit term or condition that is the basis of the certification.
  - b. The identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, LG&E also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which

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prohibits knowingly making a false certification or omitting material information.

- c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- d. Such other facts as the EPA may require to determine the compliance status of the source. [40 CFR § 71.6(c)(5)(iii)]

**Note:** Compliance Certification Forms and other Part 71 Forms can be found at:  
<http://www.epa.gov/air/oaqps/permits/p71forms.html>

#### **IV.E. Duty to Provide and Supplement Information** [40 CFR § 71.6(a)(6)(v), §71.5(a)(3), and § 71.5(b)]

1. LG&E shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, LG&E shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. [40 CFR § 71.6(a)(6)(v), 40 CFR § 71.5(a)(3)]
2. LG&E, 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. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit. [40 CFR § 71.5(b)]

#### **IV.F. Submissions** [40 CFR § 71.5(d), § 71.6 and § 71.9]

1. Any document (application form, report, compliance certification, etc.) required to be submitted under this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [40 CFR § 71.5(d), § 71.6(c)(1) and § 71.9(h)(2)]

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2. Any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

U.S. Environmental Protection Agency - Region 4  
Air, Pesticides and Toxics Management Division  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303-3104  
Tel: 404-562-9900, Fax: 404-562-9019

### **IV.G. Severability Clause [40 CFR §71.6(a)(5)]**

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

### **IV.H. Permit Actions [40 CFR § 71.6(a)(6)(iii)]**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by LG&E for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

### **IV.I. Administrative Permit Amendments [40 CFR § 71.7(d)]**

LG&E may request the use of administrative permit amendment procedures for a permit revision that:

1. Corrects typographical errors.
2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.
3. Requires more frequent monitoring or reporting by LG&E.
4. Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, 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 EPA.
5. Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program

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meets procedural requirements substantially equivalent to the requirements of 40 CFR §§ 71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in 40 CFR § 71.6.

6. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs (a) through (e) above. [Note to permittee: If subparagraphs (a) through (e) above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision].

### IV.J. Minor Permit Modifications [40 CFR § 71.7(e)(1)]

1. LG&E may request the use of minor permit modification procedures only for those modifications that:
  - a. Do not violate any applicable requirement.
  - b. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.
  - c. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
  - d. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
    - i. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
    - ii. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act.
  - e. Are not modifications under any provision of title I of the Clean Air Act.
  - f. Are not required to be processed as a significant modification. [40 CFR § 71.7(e)(1)(i)(A)]
2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph 1 above, minor permit modification procedures may be used for permit

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- modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA. [40 CFR § 71.7(e)(1)(i)(B)]
3. An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR §71.5(c) and shall include the following:
    - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
    - b. The source's suggested draft permit;
    - c. Certification by a responsible official, consistent with 40 CFR § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
    - d. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8. [40 CFR § 71.7(e)(1)(ii)]
  4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it. [40 CFR § 71.7(e)(1)(v)]
  5. The permit shield under 40 CFR § 71.6(f) may not extend to minor permit modifications. [40 CFR § 71.7(e)(1)(vi)].

### **IV.K. Group Processing of Minor Permit Modifications. [40 CFR § 71.7(e)(2)]**

1. Group processing of modifications by EPA may be used only for those permit modifications:
  - a. That meet the criteria for minor permit modification procedures under paragraphs IV.J.1. of this permit; and
  - b. That collectively are below the threshold level of 10 percent of the emissions

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allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR § 71.2, or 5 tons per year, whichever is least. [40 CFR § 71.7(e)(2)(i)]

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR §71.5(c), and shall include the following:
  - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
  - b. The source's suggested draft permit.
  - c. Certification by a responsible official, consistent with 40 CFR §71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
  - d. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph 1.b. above.
  - e. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8. [40 CFR § 71.7(e)(2)(ii)]
3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it. [40 CFR § 71.7(e)(2)(v)]
4. The permit shield under 40 CFR § 71.6(f) may not extend to group processing of minor permit modifications. [40 CFR § 71.7(e)(1)(vi)]

### **IV.L. Significant Permit Modifications** [40 CFR § 71.7(e)(3)]

1. LG&E must request the use of significant permit modification procedures for those modifications that:

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- a. Do not qualify as minor permit modifications or as administrative amendments.
  - b. Are significant changes in existing monitoring permit terms or conditions.
  - c. Are relaxations of reporting or recordkeeping permit terms or conditions. [40 CFR § 71.7(e)(3)(i)]
2. Nothing herein shall be construed to preclude LG&E from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant. [40 CFR § 71.7(e)(3)(i)].
  3. Permittees must meet all requirements of part 71 for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, LG&E must supply all information that is required by 40 CFR § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change. [40 CFR § 71.7(e)(3)(ii)]

### **IV.M. Reopening for Cause** [40 CFR § 71.7(f)]

EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to 40 CFR § 71.7 (c)(3).
2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
3. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
4. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

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### **IV.N. Property Rights** [40 CFR §71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

### **IV.O. Inspection and Entry** [40 CFR § 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, LG&E shall allow EPA or an authorized representative to perform the following:

1. Enter upon LG&E's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

### **IV.P. Emergency Provisions** [40 CFR § 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, LG&E may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, LG&E shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. an emergency occurred and that LG&E can identify the cause(s) of the emergency;
  - b. the permitted facility was at the time being properly operated;
  - c. during the period of the emergency LG&E took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
  - d. LG&E submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate

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emissions, and corrective actions taken. This notice fulfills the requirements of Section II.F.2. of this permit, concerning prompt notification of deviations.

- e. In any enforcement proceeding LG&E attempting to establish the occurrence of an emergency has the burden of proof.
2. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

### **IV.Q. Transfer of Ownership or Operation [40 CFR § 71.7(d)(1)(iv)]**

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines 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 EPA.

### **IV.R. Off Permit Changes [40 CFR §71.6(a)(12)]**

LG&E is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit.
2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition.
3. Changes under this provision may not include changes subject to any requirement of 40 CFR parts 72 through 78 or modifications under any provision of Title I of the Clean Air Act.
4. LG&E must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.

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5. The permit shield does not apply to changes made under this provision.
6. LG&E must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

### **IV.S. Permit Expiration and Renewal** [40 CFR §71.5(a)(1)(iii), §71.5(a)(2), §71.5(c)(5), §71.6(a)(11), §71.7(b), §71.7(c)(1), §71.7(c)(3)]

1. This permit shall expire upon the earlier occurrence of the following events:
  - a. up to twelve (12) years elapses from the date of issuance to a solid waste incineration unit combusting municipal waste subject to standards under section 129 of the Clean Air Act; or
  - b. for sources other than those identified in subparagraph 1.a. above, five (5) years elapses from the date of issuance; or
  - c. the source is issued a part 70 permit by an EPA-approved permitting authority. [40 CFR § 71.6(a)(11)]
2. Expiration of this permit terminates LG&E's right to operate unless a timely and complete permit renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration of this permit. [40 CFR § 71.5(a)(1)(iii)]
3. If LG&E submits a timely and complete permit application for renewal is submitted, consistent with 40 CFR § 71.5(a)(2), but the EPA has failed to issue or deny the renewal permit, then:
  - a. all the terms and conditions of the permit, including any permit shield granted pursuant to § 71.6(f) shall remain in effect until the renewal permit has been issued or denied. [40 CFR § 71.7(c)(3)]
4. LG&E's failure to have a Part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, LG&E fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA. [40 CFR § 71.7(b)]
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review. [40 CFR § 71.7(c)(1)]

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6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form. [40 CFR § 71.5(a)(2), §71.5(c)(5)]

### V. MANDATORY ATTACHMENT TO THE PART 71 PERMIT

None

### VI. ATTACHMENTS

None

#### VI.A. Permit Revision History

Date of Revision	Type of Revision	Section number, condition number **	Description of revision
None	None	None	None

\*\* In this column, identify the specific section and subsection where the revision has been included in the permit.

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