

**Chapter 3745-31 Permit-to-Install New sources and Permit-to-Install and Operate Program**

## **3745-31-01 Definitions.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of this rule titled "referenced materials." ]

(A) Except as otherwise provided in this rule, the definitions in rules [3745-15-01](#) and [3745-21-01](#) of the Administrative Code shall apply to this chapter.

(B) "Acid rain program" means the program contained within Title IV of the Clean Air Act.

(C) "Actual emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined under this paragraph, except that this definition shall not apply for calculating whether a significant emissions increase, as defined in this rule, has occurred, or for establishing a PAL under rule [3745-31-33](#) of the Administrative Code.

(1) Actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a consecutive twenty-four-month period which precedes the particular date and which is representative of normal emissions unit operation. The director shall allow the use of a different time period upon a determination that it is more representative of normal emissions unit operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates and types of materials processed, stored or combusted during the selected time period.

(2) The director may presume that emissions unit-specific allowable emissions for the emissions unit are equivalent to the actual emissions of the emissions unit.

(3) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(D) "Actuals PAL" for a major stationary source means a PAL based on the baseline actual emissions of all emissions units at the source that emit or have the potential to emit the PAL pollutant.

(E) "Adhesive" means any substance that is used to bond one surface to another surface.

(F) "Administrative modification" means a change to a permit to install or a PTIO that does not meet the definition of a modification under this rule.

(G) "Affected sources" shall have the meaning given to it in the regulations promulgated under Title IV of the Clean Air Act.

(H) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor or odorous substances, or any combination thereof.

(J) "Air contaminant source project" means the installation or modification of one or more air contaminant sources (and any structures associated with such installations or modifications), all of which results from a discrete production goal or objective.

(K) "Allowable emissions" means the emission rate of an air contaminant source calculated using the maximum rated capacity of the air contaminant source (unless the air contaminant source is subject to limits that are federally enforceable or legally and practically enforceable by the state that restrict the operating rate or hours of operation, or both), and the most stringent of the following:

(1) The applicable standards as set forth in 40 CFR Parts 60, 61 and 63; or

(2) The applicable Ohio state implementation plan emission limitation, including those with a future compliance date; or

(3) The emission rate by a permit condition that is federally enforceable or legally and practically enforceable by the state, including those with a future compliance date.

(L) "Applicable laws" means any applicable provisions of Chapters 3704. and 3745. of the Revised Code; rules, regulations, and orders of the Ohio environmental protection agency, the Clean Air Act; and rules and regulations of the administrator of the United States environmental protection agency (including any Ohio rule, law, or provision of the Ohio state implementation plan that has been approved or promulgated by the United States environmental protection agency.).

(M) "Auto body refinishing facility" means a facility engaged primarily in collision repair and refinishing of automobiles and trucks. Automobile paint-only and customizing facilities, which are engaged in repainting used motor vehicles and trucks, but do not perform collision repair work, are also included in this definition. Mobile auto body painting operations, which employ temporary spray booths meeting the design criteria specified by paragraph (A)(4)(g) of rule [3745-31-03](#) of the Administrative Code, are also included in this definition.

(N) "Available information" means, for purposes of identifying control technology options for a major MACT source, information contained in the following information sources as of the date of the MACT determination by the director:

(1) A relevant proposed regulation, including all supporting documentation.

(2) Background information documents for a draft or proposed regulation.

(3) Data and information available from the "Control Technology Center" developed pursuant to Section 113 of the Clean Air Act.

(4) Data and information contained in the "Aerometric Informational Retrieval System" including information in the MACT database.

(5) Any additional information that can be expeditiously provided by the administrator.

(6) Any additional information provided by the applicant or others, and any additional information considered available by the director.

(O) "Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined under this rule.

(1) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive twenty-four-month period selected by the owner or operator within the five-year period immediately preceding when the owner or operator begins actual construction of the NSR project. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive twenty-four-month period.

(c) For a regulated NSR pollutant, when a NSR project involves multiple emissions units, only one consecutive twenty-four-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive twenty-four-month period can be used for each regulated NSR pollutant.

(d) The average rate shall not be based on any consecutive twenty-four-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (O)(1)(b) of this rule.

(2) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive twenty-four-month period selected by the owner or operator within the ten-year period immediately preceding either the date the owner or operator begins actual construction of the NSR project, or the date a complete permit application is received by the director for a permit required either under this rule or under a plan approved by the administrator, whichever is earlier, except that the ten-year period shall not include any period earlier than November 15, 1990.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive twenty-four-month period.

(c) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive twenty-four-month period. However, if an emission limitation is part of a MACT standard that the administrator proposed or promulgated under 40 CFR Part 63, the baseline actual emissions need only be adjusted if the state has taken credit for such emission reductions in an attainment demonstration or maintenance plan consistent with the requirements in rule [3745-31-22](#) of the Administrative Code.

(d) For a regulated NSR pollutant, when a NSR project involves multiple emissions units, only one consecutive twenty-four-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive twenty-four-month period can be used for each regulated NSR pollutant.

(e) The average rate shall not be based on any consecutive twenty-four-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs (O)(2)(b) and (O)(2)(c) of this rule.

(3) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero if the operation of the new emissions unit has not yet begun, or shall equal the unit's potential to emit if operation of the new emissions unit has begun.

(4) For a PAL for a major stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (O)(1) of this rule, for other existing emissions units in accordance with the procedures contained in paragraph (O)(2) of this rule, and for a new emissions unit in accordance with the procedures contained in paragraph (O)(3) of this rule.

(P) "Baseline area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d) of the Clean Air Act in which the major stationary source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: equal to or greater than one microgram per cubic meter (annual average) for sulfur dioxide, nitrogen dioxide or PM<sub>10</sub>; or equal to or greater than 0.3 microgram per cubic meter for PM<sub>2.5</sub>.

Any baseline area established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM<sub>10</sub> increments, except that such baseline area shall not remain in effect if the permit authority rescinds the corresponding minor source baseline date in accordance with paragraph (QQQ)(5) of this rule.

Area redesignations under Section 107(d) of the Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:

(1) Establishes a minor source baseline date; or

(2) Is subject to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166, and would be constructed in the same state as the state proposing the redesignation.

(Q) "Baseline concentration" means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(1) The actual emissions, as defined in this rule, representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (Q)(3) of this rule;

(2) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(3) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase:

(a) Actual emissions, as defined in this rule, from any major stationary source on which construction commenced after the major source baseline date; and

(b) Actual emissions increases and decreases, as defined in this rule, at any stationary source occurring after the minor source baseline date.

(R) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an air contaminant source project that are of a permanent nature. Activities that are considered to be included and excluded from this definition are further identified in rule [3745-31-33](#) of the Administrative Code.

(S) "Best available control technology" or "BACT" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the director, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such major stationary source or major modification through application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. If the director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emission standard infeasible, a design, equipment, work

practice, operational standard, or combination thereof, may be approved by the director instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

(T) "Best available technology" or "BAT" means any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of the annualized cost per ton of air pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with similar air quality on substantially similar air pollution sources.

(U) "Clean Air Act" means the federal Clean Air Act; 42 USC 7401 to 7671q.

(V) "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or postcombustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam, and that is not in widespread use as of November 15, 1990.

(W) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of two billion five hundred million dollars for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the United States environmental protection agency. The federal contribution for a qualifying clean coal technology demonstration project shall be at least twenty per cent of the total cost of the clean coal technology demonstration project.

(X) "Cleaning solution" means liquid solvents or solutions used to remove ink and debris from the operating surfaces of the printing press and its parts.

(Y) Reserved.

(Z) "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the major stationary source or major modification, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations (which cannot be canceled or modified without substantial loss to the owner or operator) to undertake a program of actual construction of the major stationary source or major modification to be completed within a reasonable time.

(AA) "Commercial bakery" means an establishment that is primarily engaged in manufacturing fresh or frozen bread, bread-type rolls, and dry bakery products (e.g. biscuits, crackers, and cookies). This definition does not include establishments that produce bakery products primarily for direct sale on the premises to household consumers.

(BB) "Complete", in reference to an application for a permit, means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the director from requesting or accepting any additional information.

(CC) "Construct a major MACT source" means:

(1) Fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten tons per year or more of any HAP or twenty-five tons per year or more of any combination of HAPs, or

(2) Fabricate, erect, or install, at any developed site a new process or production unit which in and of itself emits or has the potential to emit ten tons per year or more of any HAP or twenty-five tons per year or more of any combination of HAPs, unless the process or production unit satisfies the following criteria:

(a) All HAPs emitted by the process or production unit that would otherwise be controlled under the requirements of rule [3745-31-28](#) of the Administrative Code will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

(b) One of the following determinations has been made:

(i) The director has determined within a period of five years prior to the fabrication, erection, or installation of the process or production unit that the existing control equipment represented the BACT, LAER, BAT, or MACT based on air toxics rules for the category of pollutants which includes those HAPs to be emitted by the process or production unit; or

(ii) The director determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., will be equivalent to the level of control that would be provided by a current BACT, LAER, BAT, or air toxic MACT determination);

(c) The director determines that the per cent control efficiency for emissions of HAPs from all sources to be controlled by the existing control equipment will be equivalent to the per cent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

(d) The director has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (CC)(2)(a), (CC)(2)(b), and (CC)(2)(c) of this rule apply



and concerning the continued adequacy of any prior LAER, BACT, BAT, or air toxic MACT determination;

(e) If any commenter has asserted that a prior LAER, BACT, BAT, or air toxic MACT determination is no longer adequate, the director has determined that the level of control required by that prior determination remains adequate; and

(f) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the permitting authority are predicated, will be construed as applicable requirements under Section 504(a) of the Clean Air Act and either have been incorporated into any existing Title V permit for the affected facility or will be incorporated into such permit upon issuance.

(DD) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition or modification of an emissions unit) that would result in a change in emissions.

(EE) "Continuous emissions monitoring system" or "CEMS" means all of the equipment that may be required to meet the data acquisition and availability requirements of this chapter, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(FF) "Continuous emissions rate monitoring system" or "CERMS" means the total equipment required for the determination and recording of the pollutant mass emission rate (in terms of mass per unit of time).

(GG) "Continuous parameter monitoring system" or "CPMS" means all of the equipment necessary to meet the data acquisition and availability requirements of this chapter, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and to record average operational parameter value(s) on a continuous basis.

(HH) "Control technology" means measures, processes, methods, systems, or techniques, to limit the emission of HAPs including, but not limited to, measures that:

(1) Reduce the quantity of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications;

(2) Enclose systems or processes to eliminate emissions;

(3) Collect, capture, or treat such pollutants when released from a process, stack, storage or fugitive emissions point;

(4) Are design, equipment, work practice, or operational standards (including requirements for operator training or certification) as provided in 42 USC 7412(h); or

(5) Are a combination of paragraphs (HH)(1) to (HH)(4) of this rule.

(II) "Criteria pollutant" means PM10, PM 2.5, nitrogen oxides, VOCs, sulfur dioxide, carbon monoxide, lead or any other air pollutant for which a national ambient air quality standard has been promulgated under Section 109 of the Clean Air Act.

(JJ) "Digital printing (direct-to-media printing) line" means a printing line where the transfer of electronic files occurs directly from the computer to an electronically driven output device that prints the image directly on the selected media (substrate). Electronic images and four-color process images can be printed virtually any size.

(KK) "Distillate oil" means a petroleum product designated as number one fuel oil, number two fuel oil (with less than or equal to 0.5 per cent by weight sulfur), diesel fuel or kerosene by the "American Petroleum Institute".

(LL) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five megawatt electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(MM) "Emergency" means:

(1) An emergency caused by flooding, damaging winds or tornado, fire, or other natural disaster.

(2) An electric power outage due to a failure of the electrical grid, local supply equipment failure, or facility equipment failure.

(3) Any situation that the director determines to be an immediate threat to human health, property, or the environment.

(NN) "Emergency engine" means a stationary reciprocating engine or a turbine engine which operates as an emergency or standby mechanical or electrical power source and is used only during the following:

(1) Emergencies.

(2) Any combination of the following purposes for a maximum of one hundred hours per calendar year:

(a) Maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine.

(b) Emergency demand response for periods in which the regional transmission authority or equivalent balancing authority and transmission operator has declared an "Energy Emergency Alert Level 2 (EEA Level 2)" as defined in the "North American Electric Reliability Corporation Reliability Standard EOP-002-3, Capacity and Energy Emergencies."

(c) Periods where there is a deviation of voltage or frequency of five per cent or greater below standard voltage or frequency.

(d) Operation of up to fifty hours per calendar year to supply power as part of a financial arrangement with another entity if all of the conditions in paragraphs (NN)(d)(i) to (NN)(d)(v) of this rule are met. The fifty hours of non-emergency operation are counted as part of the one hundred hours per calendar year described in paragraph (NN)(2) of this rule.

(i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

(ii) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(iii) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(iv) The power is provided only to the facility itself or to support the local transmission and distribution system.

(v) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

(e) The fifty hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity unless the conditions in paragraph (NN)(2)(d) of this rule are met.

(OO) "Emissions unit" means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit. Air contaminant sources that do not emit or would not have the potential to emit any regulated NSR pollutant but which emit a pollutant regulated under state law are not considered emissions units. There are two types of emissions units:

(1) A "new emissions unit" means any emissions unit which is (or will be) newly constructed and which has existed for less than two years from the date such emissions unit first operated.

(2) An "existing emissions unit" means any emissions unit that does not meet the requirements in paragraph (OO)(1) of this rule. A replacement unit, as defined in this rule, is an existing emissions unit.

(PP) "Express permit-to-install" or "express PTIO" means a registration status permit-to-install or registration status PTIO that is registered for express processing and issuance pursuant to paragraph (G) of rule [3745-31-05](#) of the Administrative Code and pursuant to the division (A) of section [3704.037](#) of the Revised Code.

(QQ) "Facility" means all of the air contaminant sources that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel and those emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in Section 216 of the Clean Air Act. Air contaminant sources shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., they have the same two-digit code) as described in the "Standard Industrial Classification Manual."

(RR) "Federal land manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.

(SS) "Federally enforceable" means all limitations and conditions that are enforceable by the administrator (of the United States environmental protection agency), including those requirements developed pursuant to 40 CFR Parts 60, 61 and 63, requirements within the Ohio state implementation plan that implements the requirements of the Clean Air Act, any permit requirements designated as federally enforceable established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including operating permit requirements designated as federally enforceable issued under an United States environmental protection agency-approved program that is incorporated into the Ohio state implementation plan and expressly requires adherence to any permit issued under such program.

(TT) "Fountain solution additives" means volatile and non-volatile chemicals, alcohols, and other additives, which are blended with water to form the fountain solution used in the lithographic printing process.

(UU) "Fugitive emissions" means those emissions that cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(VV) "General permit" means a general permit-to-install or a general PTIO.

(WW) "General permit-to-install" or "general PTIO" means a permit-to-install or PTIO issued under rule [3745-31-29](#) of the Administrative Code.

(XX) "Greenfield site" means a contiguous area under common control that is an undeveloped site.

(YY) "Hazardous air pollutant" or "HAP" means any air pollutant listed in, or pursuant to, Section 112(b) of the Clean Air Act.

(ZZ) "High terrain" means any area having an elevation of nine hundred feet or more above the base of the stack of a stationary source.

(AAA) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(BBB) "Indian reservation" means any federally recognized reservation established by treaty, agreement, executive order, or act of congress.

(CCC) "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emission reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics or non air quality environmental impacts.

(DDD) "Install" or "installation" means to begin actual construction, erect, locate or affix any air contaminant source.

(EEE) "Job" means the total area or areas to be refinished or repainted on an automobile or truck by an auto body refinishing facility.

(FFF) "Letterpress printing line" means a printing process where the image area is raised relative to the non-image area and the paste ink is transferred to the paper directly from the image surface without the use of an anilox roller.

(GGG) "List of source categories" means the source category list required by Section 112(c) of the Clean Air Act.

(HHH) "Low terrain" means any area other than high terrain.

(III) "Lowest achievable emission rate" or "LAER", for any emissions unit, means the more stringent rate of emissions based on the following:

(1) The most stringent emission limitation that is contained in the implementation plan of any state for such class or category of emissions unit, unless the owner or operator of the proposed emissions unit demonstrates that such limitations are not achievable.

(2) The most stringent emission limitation that is achieved in practice by such class or category of emissions unit. This limitation, when applied to a major modification, means LAER for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified emissions unit to emit any air pollutant in excess of the amount allowable under applicable new source standards of performance.

(JJJ) "MACT determination" means any combination of emission limitations, work practices, raw material specifications, throughput limitations, source design characteristics, and air pollution control devices that achieve the level of HAP control required by paragraph (E) of rule [3745-31-28](#) of the Administrative Code.

(KKK) "Major MACT source" means any process or production unit that in and of itself has the potential to emit ten tons per year or more of any single HAP or twenty-five tons per year or more of any combination of HAPs.

(LLL) "Major modification" means:

(1) Any physical change in or change in the method of operation of a major stationary source that would result in a combination of the following:

(a) A significant emissions increase of a regulated NSR pollutant.

(b) A significant net emissions increase of that pollutant from the major stationary source.

[Comment: Except as otherwise provided in rule 3745-31-32 of the Administrative Code, and consistent with the definition of major modification, a NSR project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases; a significant emissions increase and a significant net emissions increase. The NSR project is not a major modification if it does not cause a significant emissions increase. If the NSR project causes a significant emissions increase, then the NSR project is a major modification only if it also results in a significant net emissions increase.]

(2) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is considered significant for VOCs or nitrogen oxides shall be considered significant for ozone.

(3) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (i.e., the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs (LLL)(4)(a) to (LLL)(4)(c) of this rule. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the process) is contained in paragraph (VVV) of this rule. Regardless of any such preconstruction projections, a major modification results if the NSR project causes a significant emissions increase and a significant net emissions increase.

(a) Actual-to-projected-actual applicability test for NSR projects that only involve existing emissions units.

A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

(b) Actual-to-potential test for NSR projects that only involve construction of a new emissions unit.

A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the NSR project and the baseline actual emissions of these emissions units before the NSR project equals or exceeds the significant amount for that pollutant.

(c) Hybrid test for NSR projects that involve multiple types of emissions units.

A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (LLL)(4)(a) to (LLL)(4)(b) of this rule as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant.

(4) A physical change or change in the method of operation shall not include the following:

(a) Routine maintenance, routine repair, and routine replacement.

(b) Use of an alternative fuel or raw material by reason of an order under Section 2(A) and (B) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.

(c) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act.

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(e) Use of an alternative fuel or raw material by a stationary source that does one of the following:

(i) For nonattainment NSR purposes, the stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition that was established after December 21, 1976, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166 .

(ii) For PSD purposes, the stationary source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition that was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166 .

(iii) The stationary source is approved to use under any effective and applicable nonattainment NSR permit or PSD permit.

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition that was established after the following:

(i) For nonattainment NSR purposes, December 21, 1976 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166 .

(ii) For PSD purposes, January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166.

(g) Any change in ownership at a stationary source.

(h) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the temporary clean coal technology demonstration project complies with the following:

(i) The Ohio state implementation plan.

(ii) Other requirements necessary to attain and maintain the national ambient air quality standard during the temporary clean coal technology demonstration project and after it is terminated.

(i) For PSD purposes only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(j) For PSD purposes only, the reactivation of a very clean coal-fired electric utility steam generating unit.

(5) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under rule [3745-31-32](#) of the Administrative Code for a PAL for that pollutant. Instead, the definition under paragraph (JJJJ) of this rule shall apply.

(MMM) "Major source baseline date" means:

(1) In the case of PM10 and sulfur dioxide, January 6, 1975.

(2) In the case of nitrogen dioxide, February 8, 1988.

(3) In the case of PM 2.5, October 20, 2010.

(4) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if the following apply:



(a) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d)(1)(D) or (E) of the Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21 or the requirements of rules [3745-31-11](#) to [3745-31-20](#) of the Administrative Code .

(b) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(NNN) "Major stationary source" means any stationary source or any group of stationary sources that are described in paragraph (NNN)(1) or (NNN)(2) of this rule except as restricted under paragraphs (NNN)(3) to (NNN)(5) of this rule.

(1) For stationary sources located in a nonattainment area for a given regulated air pollutant:

Any stationary source of air pollutants that emits, or has the potential to emit one hundred tons per year or more of the given regulated NSR pollutant, or

(2) For stationary sources located in an attainment area for a given regulated air pollutant:

(a) Any of the following stationary sources of air pollutants that emits, or has the potential to emit, one hundred tons per year or more of any regulated NSR pollutant:

(i) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input.

(ii) Coal cleaning plants (with thermal dryers).

(iii) Kraft pulp mills.

(iv) Portland cement plants.

(v) Primary zinc smelters.

(vi) Iron and steel mill plants.

(vii) Primary aluminum ore reduction plants.

(viii) Primary copper smelters.

(ix) Municipal incinerators capable of charging more than fifty tons of refuse per day.

(x) Hydrofluoric, sulfuric or nitric acid plants.

(xi) Petroleum refineries.

- (xii) Lime plants.
  - (xiii) Phosphate rock processing plants.
  - (xiv) Coke oven batteries.
  - (xv) Sulfur recovery plants.
  - (xvi) Carbon black plants (furnace process).
  - (xvii) Primary lead smelters.
  - (xviii) Fuel conversion plants.
  - (xix) Sintering plants.
  - (xx) Secondary metal production plants.
  - (xxi) Chemical process plants except for ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140.
  - (xxii) Fossil fuel boilers (or combinations thereof) totaling more than two hundred fifty million British thermal units per hour heat input.
  - (xxiii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels.
  - (xxiv) Taconite ore processing plants.
  - (xxv) Glass fiber processing plants.
  - (xxvi) Charcoal production plants.
- (b) Notwithstanding the stationary source size specified in paragraph (NNN)(2)(a) of this rule, any stationary source that emits, or has the potential to emit, two hundred fifty tons per year or more of any regulated NSR pollutant.
- (3) A major stationary source that is major for VOCs or nitrogen oxides shall be considered major for ozone.
- (4) The fugitive emissions of a stationary source to the extent quantifiable shall not be included in determining for any of the purposes of this rule whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources:
- (a) Coal cleaning plants (with thermal dryers).

- (b) Kraft pulp mills.
- (c) Portland cement plants.
- (d) Primary zinc smelters.
- (e) Iron and steel mills.
- (f) Primary aluminum ore reduction plants.
- (g) Primary copper smelters.
- (h) Municipal incinerators capable of charging more than fifty tons of refuse per day.
- (i) Hydrofluoric, sulfuric, or nitric acid plants.
- (j) Petroleum refineries.
- (k) Lime plants.
- (l) Phosphate rock processing plants.
- (m) Coke oven batteries.
- (n) Sulfur recovery plants.
- (o) Carbon black plants (furnace process).
- (p) Primary lead smelters.
- (q) Fuel conversion plants.
- (r) Sintering plants.
- (s) Secondary metal production plants.
- (t) Chemical process plants except for ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140.
- (u) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input.
- (v) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels.
- (w) Taconite ore processing plants.

(x) Glass fiber processing plants.

(y) Charcoal production plants.

(z) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input.

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

(5) Any physical change that would occur at a stationary source not qualifying under paragraph (NNN) of this rule as a major stationary source would be considered a major stationary source, if the change would constitute a major stationary source by itself.

(OOO) "Maximum achievable control technology emission limitation for new sources" or "MACT emission limitation for new sources" means the emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions that the director, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major MACT source.

(PPP) "Maximum uncontrolled emissions" (only used for express permit-to-install or express PTIO processing) means the amount of emissions from the air contaminant source in tons per year calculated at the maximum operating capacity of the air contaminant source based upon operating eight thousand seven hundred sixty hours per year in the absence of control equipment.

(QQQ) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or the requirements of rules [3745-31-11](#) to [3745-31-20](#) of the Administrative Code submits a complete application under the relevant regulations. The trigger date is:

(1) In the case of PM10 and sulfur dioxide, August 7, 1977.

(2) In the case of nitrogen dioxide, February 8, 1988.

(3) In the case of PM 2.5, October 20, 2011.

(4) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if the following apply:

(a) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d)(1)(D) or (E) of the Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21 or the requirements of rules [3745-31-11](#) to [3745-31-20](#) of the Administrative Code .

(b) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(5) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the director may rescind any such minor source baseline date where it can be shown, to the satisfaction of the director, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM10 emissions.

(RRR) "Model general permit" means a document that the director has developed that includes a definition of a category of air contaminant source, a description of the qualifications that must be met for that category of source and model terms and conditions that will be used as a general permit for any qualified air contaminant source.

(SSS) "Modify" or "modification" means:

(1) Any physical change in, or change in the method of operation of:

(a) Any air contaminant source that:

(i) Results in an increase in the allowable emissions; or

(ii) Results in an increase in emissions of greater than the de minimis levels in rule [3745-15-05](#) of the Administrative Code of any type of air contaminant not previously emitted; or

(iii) Results in the relocation of the air contaminant source to a new facility, including, but not limited to, the movement of any existing air contaminant source from another state, county, or other geographic location; or

(iv) Is otherwise defined as a major modification, or is defined as a modification under applicable regulations promulgated by the administrator of the United States environmental protection agency regarding new source performance standards or national emission standards for hazardous pollutants, or is either a new source or a reconstruction under applicable rules promulgated by the administrator under Section 112 of the Clean Air Act.

(v) 'Modify' or 'modification' shall not include routine maintenance, routine repair, and routine replacement; use of an alternate fuel or raw material that the source is capable of accommodating and is not expressly prohibited from using under any permit condition or applicable requirement of the Clean Air Act; an increase in the hours of operation or in the production rate that is not expressly prohibited under any permit condition or applicable requirement of the Ohio environmental protection agency or the Clean Air Act.

(vi) 'Modify' or 'modification' shall not include pollution control or pollution prevention projects that the director has determined, in writing, are environmentally beneficial. Environmentally

beneficial projects do not include those that cause or contribute to a violation of a national ambient air quality standard, cause or contribute to a violation of an increment per paragraph (B) of rule [3745-31-11](#) of the Administrative Code, adversely impact a visibility limitation, or are expressly prohibited under any Ohio environmental protection agency or Clean Air Act permit condition or applicable requirement.

(vii) 'Modify' or 'modification' shall not include allowable emission increases due to an alternative emission limit that satisfies the criteria set forth in division (E) of section [3704.03](#) of the Revised Code and is consistent with division (K) of section [3704.036](#) of the Revised Code.

(TTT) "Municipal solid waste landfill" or "MSW landfill" means, as defined under paragraph (B)(14) of rule [3745-76-01](#) of the Administrative Code, an entire disposal facility in a contiguous geographical space where municipal solid waste is placed and regulated in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code and excludes scrap tire monofills. A MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes (rule [3745-50-10](#) of the Administrative Code) such as commercial solid waste, nonhazardous sludge, and industrial solid waste. Portions of a MSW landfill may be separated by access roads. A MSW landfill may be publicly or privately owned. A MSW landfill may be a new MSW landfill or existing MSW landfill.

(UUU) "Necessary pre-construction approvals or permits" means those permits or approvals required under federal air pollution control laws and regulations and those air pollution control laws and regulations that are part of the federally approved Ohio state implementation plan.

(VVV) "Net emissions increase" means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following, except as limited by paragraph (VVV)(3) of this rule, exceeds zero:

(1) Any increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under this rule; and

(2) Any other increases and decreases in actual emissions at the stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under paragraph (VVV) of this rule shall be determined as provided in paragraph (O) of this rule, except that paragraphs (O)(1)(c) and (O)(2)(d) of this rule shall not apply.

(3) The following subparagraphs limit paragraphs (VVV)(1) and (VVV)(2) of this rule:

(a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within the period beginning five years prior to the date on which the owner or operator of the facility expects construction to commence, as stated in the initial complete application for an installation permit for a new or modified emission unit for the

particular change or project, and ending on the date when the new or modified emissions unit becomes operational and begins to emit a pollutant.

(b) An increase or decrease in actual emissions is creditable only if the director has not relied on it in issuing a permit for the stationary source under regulations approved pursuant to this rule, which permit is in effect when the increase in actual emissions from the particular change occurs.

(c) For PSD purposes only, an increase or decrease in actual emissions of sulfur dioxide, nitrogen oxide, or particulate matter that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. Only PM10 emissions shall be used to evaluate the net emissions increase for PM10.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only if the following apply:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions.

(ii) The decrease is enforceable as a practical matter at and after the time that actual construction on the particular change begins.

(iii) The decrease has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) For nonattainment NSR purposes only, the director has not relied on it in issuing any permit under regulations pursuant to 40 CFR Part 51, Subpart I or the director has not relied on it in demonstrating attainment or reasonable further progress .

(f) An increase that results from a physical change at a stationary source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular air pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(g) Paragraph (C)(1) of this rule shall not apply for determining creditable increases and decreases or after a change.

(WWW) "New source" means any air contaminant source for which an owner or operator undertakes a continuing program of installation or modification or enters into a binding contractual obligation to undertake and complete, within a reasonable time, a continuing program of installation or modification, after January 1, 1974, and that at the time of installation or modification, would have otherwise been subject to the provisions of this chapter. The replacement of an entire air contaminant source is considered a new source.

(XXX) "New source review project" or "NSR project" means a physical change in, or change in the method of operation of, an existing major stationary source for which a permit-to-install or a permit-to-install and operate is required.

(YYY) "Nonattainment" or "nonattainment area," for a given pollutant, for purposes of determining applicability of this chapter, means that the area has been designated as nonattainment in 40 CFR 81.336.

(ZZZ) "Nonattainment new source review permit" or "nonattainment NSR permit" means any permit that is issued under a major source preconstruction permit program that has been approved by the administrator and incorporated into a plan to implement the requirements of 40 CFR 51.165, or a program that implements 40 CFR Part 51, Appendix S, Sections I through VI.

(AAAA) "Non-heatset" means an offset lithographic printing process where the printing inks dry by oxidation and absorption without the use of heat. For the purposes of this chapter, ultraviolet-cured (UV) and electron beam-cured inks employed in an offset lithographic printing process are considered non-heatset.

(BBBB) "Non-methane organic compound" or "NMOC" has the same meaning as found in paragraph (B)(16) of rule [3745-76-01](#) of the Administrative Code.

(CCCC) "Non-road engine" means, as defined under 40 CFR 89.2:

(1) Except as discussed in paragraph (CCCC)(2) of this rule, a non-road engine is any internal combustion engine:

(a) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(b) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(c) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An engine is not a non-road engine if any of the following apply:

(a) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under Section 202 of the Clean Air Act.

(b) The engine is regulated by a federal new source performance standard promulgated under Section 111 of the Clean Air Act.



(c) The engine otherwise included in paragraph (CCCC)(1)(c) of this rule remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

(d) Engines used in aircraft as defined in 40 CFR 87.1(a).

(e) Engines used in underground mining or engines used in underground mining equipment and regulated by the "Mining Safety and Health Administration" (MSHA) in 30 CFR Parts 7, 36, 56, 57, 70, and 75.

(f) Engines subject to the standards of 40 CFR Part 92 (engines exempted from the requirements of 40 CFR Part 92 under 40 CFR 92.907 are subject to the requirements of 40 CFR Part 89) .

(g) Engines used in marine vessels as defined in 1 USC 3, if those engines have a rated power at or above thirty-seven kilowatts.

(h) Engines with a per cylinder displacement of less than fifty cubic centimeters.

(DDDD) "Ohio state implementation plan" means the plan submitted by the state of Ohio to, and approved by, the United States environmental protection agency in response to Section 110 of the Clean Air Act.

(EEEE) "Organic compounds" or "OC" means any chemical compound containing carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, ammonium carbonate, non landfill gas methane and ethane.

(FFFF) "PAL allowable emissions" means allowable emissions as defined in this rule, except as this definition is modified under this paragraph.

(1) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(2) An emissions unit's potential to emit shall be determined using the definition in paragraph (BBBBB) of this rule, except that the words or enforceable as a practical matter should be added after federally enforceable.

(GGGG) "PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit, which is part of the PAL major modification, becomes operational and begins to emit the PAL pollutant.

(HHHH) "PAL effective period" means the period beginning with the PAL effective date and ending ten years later.

(III) "PAL major emissions unit" means either of the following:

(1) Any emissions unit that emits or has the potential to emit one hundred tons per year or more of the PAL pollutant in an attainment area.

(2) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Clean Air Act for nonattainment areas. For example, in accordance with the definition of major stationary source in Section 182(c) of the Clean Air Act, an emissions unit would be a PAL major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit fifty or more tons of VOC per year.

(JJJJ) "PAL major modification" means, notwithstanding this rule (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(KKKK) "PAL permit" means the permit-to-install issued by the director that establishes, incorporates, or modifies a PAL for a major stationary source.

(LLLL) "PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.

(MMMM) "PAL significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level as defined in this rule or in the Clean Air Act whichever is lower for that PAL pollutant, but less than the amount that would qualify the unit as a PAL major emissions unit as defined in this rule.

(NNNN) "PAL small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in this rule or in the Clean Air Act, whichever is lower.

(OOOO) "Particulate matter" shall have the same meaning as found in rule [3745-17-01](#) of the Administrative Code.

(PPPP) "Particulate matter emissions" shall have the same meaning as found in rule [3745-17-01](#) of the Administrative Code.

(RRRR) "Person" means the federal government or any agency thereof, the state or any agency thereof, any political subdivision, or any agency thereof, or any public or private corporation, individual, partnership, or other entity.

(SSSS) "Plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (A)(1) to (A)(13) of rule [3745-31-32](#) of the Administrative Code.

(TTTT) "PM 2.5 " means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or an equivalent method designated in 40 CFR Part 53.

(UUUU) "PM 2.5 direct emissions" means solid particles, with an aerodynamic diameter less than or equal to nominal 2.5 micrometers, emitted directly from an air emissions source or activity, or gaseous emissions or liquid droplets from an air emissions source or activity which condense to form particulate matter at ambient temperatures. Direct PM 2.5 emissions include elemental carbon, directly emitted organic carbon, directly emitted sulfate, directly emitted nitrate, and other inorganic particles (including but not limited to crustal material, and metals).

(VVVV) "PM 2.5 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to nominal 2.5 micrometers that is or has been emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR Part 51, Appendix M.

(WWWW) "PM 2.5 precursor" means those air pollutants other than PM 2.5 direct emissions that Ohio EPA has demonstrated with USEPA approval, significantly contribute to the formation of PM 2.5 in a specific area. PM 2.5 precursors include sulfur dioxide and nitrogen oxides.

(XXXX) "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J and designated in accordance with 40 CFR Part 53 or an equivalent method designated in 40 CFR Part 53.

(YYYY) "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers that is or has been emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR Part 51, Appendix M.

(ZZZZ) "Pollution prevention" means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain in-process recycling practices), energy recovery, treatment, or disposal.

(AAAAA) "Portable source" means an air contaminant source that, in the director's judgment, is specifically designed to be transferred to a new site as needs warrant.

(BBBBB) "Potential to emit" means the maximum capacity of an emissions unit or stationary source to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the emissions unit or stationary source to emit an air pollutant, which includes any federally regulated air pollutant as defined in paragraph (DD) of rule [3745-77-01](#) of the Administrative Code, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable or legally and practicably enforceable by the state. Secondary emissions do not count in determining the potential to emit of a stationary source.

(CCCCC) "Predictive emissions monitoring system" or "PEMS" means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emission rate (for example, pounds per hour) on a continuous basis.

(DDDDD) "Prevention of significant deterioration increment" or "PSD increment" means an allowable increment specified in paragraph (B) of rule [3745-31-11](#) of the Administrative Code.

(EEEEEE) "Prevention of significant deterioration permit" or "PSD permit" means any permit that is issued under a major source preconstruction permit program that has been approved by the administrator and incorporated into the plan to implement the requirements of 40 CFR 51.166, or under the program in 40 CFR 52.21.

(FFFFF) "Process or production unit" means any collection of structures and/or equipment that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one process or production unit.

[Comment: The definition of a process or production unit can be determined by the intermediate product of a process. For example, at a plant which manufactures fiberglass reinforced plastic boats, the owners wish to add more spray guns to an existing fabrication line to supplement existing spray guns in laminating a particular model of boat hulls. The new spray guns will have a potential to emit greater than ten tons per year of a single HAP. In this example, the fiberglass hull of a boat is an intermediate product in the manufacture of a final product (a boat). The collection of equipment needed to manufacture the intermediate product includes the new spray guns, the existing spray guns, the laminating operation, and other supporting equipment. Because the new spray guns in and of themselves do not produce the intermediate product, they are not in and of themselves a process or production unit, and therefore are not subject to review under rule [3745-31-28](#) of the Administrative Code. Other examples of the applicability of this definition are found at 61 Fed. Reg. 68391-68392 (December 27, 1996).]

(GGGGG) "Projected actual emissions" means, the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years (twelve-month period) following the date the emissions unit resumes regular operation after the NSR project, or in any one of the ten years following that date, if the NSR project

involves increasing the emissions unit's design capacity or its potential to emit of that regulated NSR pollutant and full utilization of the emissions unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

In determining the projected actual emissions under this rule before beginning actual construction, the owner or operator of the major stationary source shall do the following:

(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the approved plan; and

(2) Include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and

(3) Exclude, in calculating any increase in emissions that results from the particular NSR project, that portion of the emissions unit's emissions following the NSR project that an existing emissions unit could have accommodated during the consecutive twenty-four-month period used to establish the baseline actual emissions under paragraph (O) of this rule and that are also unrelated to the particular NSR project, including any increased utilization due to product demand growth; or,

(4) In lieu of using the method set out in paragraphs (GGGGG)(1) to (GGGGG)(3) of this rule, may elect to use the emissions unit's potential to emit, in tons per year, as defined under paragraph (BBBBB) of this rule.

(HHHHH) "PTIO" or "permit-to-install and operate" means a permit-to-install and a permit-to-operate applicable to air contaminant sources not located at facilities subject to Chapter 3745-77 of the Administrative Code.

(IIIII) "Publicly owned treatment works" or "POTW" means any device or system used in the treatment (including recycling and reclamation) of domestic sewage or industrial waste of a liquid nature that is owned by a municipality, county or state entity or any public body created under state law that has authority over disposal of sewage.

(KKKKK) "Reactivation of a very clean coal-fired electric utility steam generating unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the following apply:

(1) The unit has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority's emission inventory at the time of enactment;

(2) The unit was equipped prior to shutdown with a continuous system of emission control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five per cent and a removal efficiency for particulates of no less than ninety-eight per cent;

(3) The unit is equipped with low-NO burners prior to the time of commencement of operations following reactivation; and

(4) The unit is otherwise in compliance with the requirements of the Clean Air Act.

(LLLLL) "Reconstruct a major MACT source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit ten tons per year or more of any HAP or twenty-five tons per year or more of any combination of HAPs, whenever the following occur:

(1) The fixed capital cost of the new components exceeds fifty per cent of the fixed capital cost that would be required to construct a comparable process or production unit.

(2) It is technically and economically feasible for the reconstructed major source to meet the applicable MACT emission limitation for new sources established under rule [3745-31-28](#) of the Administrative Code.

(MMMMM) "Reduced sulfur compounds" or "RSC" means, as defined under 40 CFR Part 60, Subpart J, the sum of the sulfur compounds hydrogen sulfide, carbonyl sulfide, and carbon disulfide.

(NNNNN) "Regulated NSR pollutant" means the following:

(1) For stationary sources located in a nonattainment area for a given regulated air pollutant. :

(a) Nitrogen oxides or any VOCs.

(b) Any pollutant for which a national ambient air quality standard has been promulgated.

(c) Any pollutant that is identified under this paragraph as a constituent or precursor of a general pollutant listed under paragraph (NNNNN)(1)(a) or (NNNNN)(1)(b) of this rule, provided that such constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. Precursors identified by the director for purposes of new source review are the following:

(i) VOCs and nitrogen oxides are precursors to ozone in all ozone nonattainment areas.

(ii) Sulfur dioxide is a precursor to PM 2.5 in all PM 2.5 nonattainment areas.

(iii) Nitrogen oxides are a precursor to PM 2.5 in all PM 2.5 nonattainment areas.

(d) PM 2.5 emissions and PM10 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM 2.5 and PM10 in nonattainment new source review permits. Compliance with emissions limitations for PM 2.5 and PM10 issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of a permit or the Ohio state implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this chapter unless the Ohio state implementation plan required condensable particulate matter to be included.

(2) For stationary sources located in an attainment area for a given regulated air pollutant, the following:

(a) Any pollutant for which a national ambient air quality standard has been promulgated. This includes, but is not limited to, the following:

(i) PM 2.5 emissions, and PM10 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM 2.5 and PM10 in PSD permits. Compliance with emissions limitations for PM 2.5 and PM10 issued prior to this date shall not be based on condensable particular matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particular matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particular matter to be included.

(ii) Any pollutant identified under this paragraph as a constituent or precursor to a pollutant for which a national ambient air quality standard has been promulgated. Precursors identified for purposes of new source review are the following:

(a) VOCs and nitrogen oxides are precursors to ozone in all ozone attainment and unclassifiable areas.

(b) Sulfur dioxide is a precursor to PM 2.5 in all attainment and unclassifiable areas.

(c) Nitrogen oxides are a precursor to PM 2.5 in all attainment and unclassifiable areas.

(b) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;

(c) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act; or

(d) Any pollutant that otherwise is subject to regulation under the Clean Air Act; except that any or all HAPs either listed in Section 112 of the Clean Air Act or added to the list pursuant to Section 112(b)(2) of the Clean Air Act, which have not been delisted pursuant to Section 112(b)(3) of the Clean Air Act, are not regulated NSR pollutants unless the listed HAP is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Clean Air Act.

(OOOOO) "Replacement unit" means an emissions unit for which all the criteria listed under this paragraph are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

(1) The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.

(2) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

(3) The replacement does not alter the basic design parameters of the process unit.

(4) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

(PPPPP) "Repowering" means:

(1) Replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the administrator, in consultation with the secretary of energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(2) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the department of energy.

(3) The director shall give expedited consideration to permit applications for any source that satisfies the requirements of this rule and is granted an extension under Section 409 of the Clean Air Act.

(QQQQQ) "Research and development activity" means an activity conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such a source is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner.



(RRRRR) "Screen printing line" means a printing process where the printing ink passes through a web or a fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.

(SSSSS) "Secondary emissions" means emissions that occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this rule, secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the stationary source or major modification that causes the secondary emissions. Secondary emissions include emissions from any off-site support operation that would not be constructed or increase their emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train or from a vessel.

(TTTTT) "Semi-public disposal system" means a disposal system which treats the sanitary sewage discharged from publicly or privately owned buildings or place of assemblage, entertainment, recreation, education, correction, hospitalization, housing or employment, but does not include a disposal system which treats sewage in amounts of more than twenty-five thousand gallons per day; a disposal system for the treatment of sewage that is exempt from the requirements of division (F) of section [6111.04](#) of the Revised Code; or a disposal system for the treatment of industrial waste.

(UUUUU) "Significant air contaminant source" or "significant air contaminant source project" means any air contaminant source, or air contaminant source project, that emits the following:

(1) Greater than one hundred tons per year of any of the following air contaminants:

(a) PM10.

(b) PM 2.5.

(c) Sulfur dioxide.

(d) Nitrogen oxides.

(e) OCs.

(2) Greater than one thousand tons per year of carbon monoxide.

(3) Greater than two tons per year of lead.

(VVVVV)

(1) "Significant" means, in reference to a net emissions increase or the potential of a stationary source to emit any of the following air pollutants, a rate of emissions that would equal or exceed any of the following rates:

Air Pollutant	Emission Rate (Ton/Yr)
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter	25
PM10	15
PM 2.5	10 (of direct PM 2.5 emissions); 40 (sulfur dioxide emissions); 40 (nitrogen oxides emissions)
Ozone (VOCs or nitrogen oxides)	40
Lead	0.6
Fluorides (excluding hydrogen fluoride)	3
Sulfuric acid mist	7
Hydrogen sulfide	10
TRS	10
RSCs	10
NMOCs from municipal waste landfills	50

(a) Municipal waste combustor organic (measured as total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans): 3.2 grams per year (0.007055 pounds per year).

(b) Municipal waste combustor metals (measured as particulate matter):

fourteen megagrams per year (fifteen tons per year).

(c) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): thirty-six megagrams per year (forty tons per year).

(2) "Significant", in reference to a net emissions increase or the potential of a stationary source to emit a regulated NSR pollutant that the air pollutant and emission rate table in paragraph (VVVVV)(1) of this rule does not list, any emission rate.

(3) Notwithstanding paragraph (VVVVV)(1) of this rule, "significant" means any emission rate or any net emissions increase associated with a major stationary source or major modification

that would be constructed within ten kilometers of a Class I area, and have an impact on such area equal to or greater than one microgram per cubic meter (twenty-four hour average).

(WWWWW) "Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions that is significant, as defined in this rule, for that pollutant.

(XXXXX) "Similar source" means a stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major MACT source such that the source could be controlled using the same control technology.

(YYYYY) "Soil-liquid extraction remediation activities" means soil remediation activities that use a process for physically separating (extracting) groundwater from soils contaminated with low levels of organic species or other pollutants that are moderately soluble in an aqueous phase using a trench dug around or alongside the contaminated soil perpendicular to the groundwater's down gradient flow direction. The contaminated groundwater is collected in the trench and transferred out of the trench for further treatment to separate the soluble contaminants from the water and to destroy the contaminants in an air pollution control system.

(ZZZZZ) "Soil-vapor extraction remediation activities" means soil remediation activities that use a process for physically separating (extracting) contaminants that are VOCs and semivolatile organic compounds from unsaturated soils by placing a porous tube (or tubes) under vacuum in the contaminated soil, and when a vacuum is drawn on the tube, vapor and some groundwater are drawn into the tube. The vapors collected through the vacuum system are then sent to an air pollution control system to destroy the organic contaminants.

(AAAAA) "Stationary source" means all of the emissions units that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel and those emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in Section 216 of the Clean Air Act. Emissions units shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., that have the same two-digit code) as described in the "Standard Industrial Classification Manual."

(CCCCC) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that is operated for a period of five years or less, and which complies with the state implementation plan for the state in which the clean coal technology demonstration project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the clean coal technology demonstration project and after it is terminated.

(DDDDD) "Temporary source" means any new source of air contaminants or modification of an air contaminant source, which will cease operation, be relocated, or obtain a new permanent permit-to-install within two years of beginning operation.

(EEEEEE) "Title I modification" means any modification under Section 111 or 112 of the Clean Air Act and any major modification under Parts C or D of Title I of the Clean Air Act.

(FFFFFF) "Total reduced sulfur" or "TRS" means, as defined under paragraph (L) of rule [3745-73-01](#) of the Administrative Code, the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide and dimethyl disulfide, that are measured by methods specified in rule [3745-73-04](#) of the Administrative Code.

(GGGGGG) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of ten thousand pounds or less.

(HHHHHH) " $\mu\text{g}/\text{m}^3$ " means microgram per cubic meter.

(IIIIII) "Volatile organic compounds" or "VOC" shall have the same meaning as defined in rule [3745-21-01](#) of the Administrative Code.

(JJJJJJ) "Water-based ink/coating/adhesive" means an ink, coating or adhesive with a VOC content less than or equal to ten per cent by weight as applied.

(KKKKKK) "Water-borne" means a material in which the water content of the volatile fraction is at least ninety-five per cent by weight.

(LLLLLL) Referenced materials. This chapter includes references to certain subject matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of and/or the particular edition or version of the material is included in this rule. For materials subject to change, only the specific version specified in this rule are referenced. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not referenced unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

(a) Aerometric information retrieval system (AIRS). Information can be obtained by writing to: "Air Facility System (OECA), Office of Enforcement and Compliance Assurance, 1200 Pennsylvania Ave. NW, mail code 2222A, Washington, D.C. 20460-0001," by calling 1-800-367-1044, or by visiting their web site at <http://www.epa.gov/enviro/facts/afs/search.html>.

(b) California air resources board (CARB) certification. Information and copies of executive orders, approval letters, equipment advisories, and equivalent test procedures may be obtained by writing to: "California Air Resources Board, Monitoring and Laboratory Division, P.O. Box 2815, Sacramento, CA, 95812-2815" or by calling (916) 327-0900. The full text of all CARB certification documents are also available in electronic format at <http://www.arb.ca.gov/vapor/vapor.htm>.

(c) Chemical abstract service (CAS). Information can be obtained by writing to: "Chemical Abstract Service, 2540 Olentangy River Road, Columbus, Ohio, 43202," or by visiting their web site at [www.cas.org](http://www.cas.org).

(d) Chemical rubber company (CRC) handbook of chemistry and physics.

Information and copies may be obtained by writing to "CRC Press LLC, 2000 NW Corporate Blvd., Boca Raton, Florida, 33431", by calling 1-800-272-7737, or at <http://www.crcpress.com/>. A copy of this book is also available for inspection and use at most public libraries and "The State Library of Ohio."

(e) Clean Air Act. Information and copies may be obtained by writing to:

"Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the act is also available in electronic format at [www.epa.gov/oar/caa/text.html](http://www.epa.gov/oar/caa/text.html). A copy of the act is also available for inspection and use at most public libraries and "The State Library of Ohio."

(f) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at <http://www.ecfr.gov>. The CFR compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(g) Compilation of air pollutant emission factors, AP-42. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the compilation of air pollutant emission factors, AP-42, is also available in electronic format at

<http://www.epa.gov/ttn/chief/ap42/index.html>. The compilation of air pollutant emission factors, AP-42, are also available for inspection and use at most public libraries and "The State Library of Ohio."

(h) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the act is also available in electronic format at <http://www.epa.gov/lawsregs/laws/cercla.html>. A copy of the act is also available for inspection and use at most public libraries and

"The State Library of Ohio."

(i) Control technology center. Information can be obtained by writing to: "Research Triangle Institute, Research Triangle Park, NC, 27709," by calling 1-919-541-2734, or by visiting their web site at <http://www.epa.gov/etv/centers/center5.html>.

(j) Federal Power Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the act is also available in electronic format at <http://www.fws.gov/laws/lawsdigest/fedpowr.html>. A copy of the act is also available for inspection and use at most public libraries and "The State Library of Ohio."

(k) Federal Register. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." Online access to the Federal Register is available at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. A copy of the Federal Register is also available for inspection and use at most public libraries and "The State Library of Ohio."

(l) Great lakes binational toxics strategy. Information can be obtained by writing to: "U.S. Environmental Protection Agency, Great Lakes National Program Office, 77 W. Jackson Boulevard (G-17J), Chicago, Illinois, 60604-3511," by calling 1-312-353-2117, or by visiting their web site at <http://www.epa.gov/grtlakes/bns/>.

(m) Integrated risk management system (IRIS). Information can be obtained by writing to: "IRIS Hotline, c/o EPA Docket Center, Mail Code 28221T, EPA-West Building, 1301 Constitution Avenue NW, Washington, DC 20005," by calling 1-202-566-1676, or by visiting their web site at <http://www.epa.gov/iris/index.html>.

(n) North American Electric Reliability Corporation Reliability Standard EOP-002-3. Information can be obtained by writing to: "NERC, Washington Office, 1325 G Street, NW Suite 600, Washington, DC 20005-3801," by calling 1-202-400-3000, or by visiting their website at <http://www.nerc.com/files/EOP-002-3.pdf>.

(o) North American industry classification system (NAICS). Information and copies may be obtained by contacting the national technical information service at 1-800-553-6847. The codes are also available in electronic format at [www.census.gov/eos/www/naics.html](http://www.census.gov/eos/www/naics.html).

(p) Recommended policy on control of volatile organic compounds. Information and copies of the federal register notice may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The federal register notice is also available for inspection and use at most public libraries and "The State Library of Ohio."

(q) Resource Conservation and Recovery Act (RCRA). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the act is also available in electronic format at <http://www.epa.gov/epaoswer/osw/laws-reg.htm>. A copy of the act is also available for inspection and use at most public libraries and "The State Library of Ohio."

(r) Standard industrial classification manual (SICM). Information and copies may be ordered by writing to: "U.S. Department of Commerce, Technology Administration, National Technical

Information Service, Springfield, Virginia, 22161" or by calling 1-800-553-6847. A copy of the act is also available for inspection and use at most public libraries and "The State Library of Ohio."

(s) United States Code (USC). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE>. The USC compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(2) Referenced materials:

(a) 1 USC 3"; General Provisions"; Vessel" as including all means of water transportation"; published January 3, 2007 in the 2006 Edition of the United States Code.

(b) 30 CFR Part 7; "Testing by Applicant or Third Party;" as published in the July 1, 2012 Code of Federal Regulations.

(c) 30 CFR Part 36; "Approval Requirements for Permissible Mobile Diesel-Powered Transportation Equipment;" as published in the July 1, 2012 Code of Federal Regulations.

(d) 30 CFR Part 56; "Safety and Health Standards--Surface Metal and Nonmetal Mines;" as published in the July 1, 2012 Code of Federal Regulations.

(e) 30 CFR Part 57; "Safety and Health Standards--Underground Metal and Nonmetal Mines;" as published in the July 1, 2012 Code of Federal Regulations.

(f) 30 CFR Part 70; "Mandatory Health Standards--Underground Coal Mines;" as published in the July 1, 2012 Code of Federal Regulations.

(g) 30 CFR Part 75; "Mandatory Safety Standards--Underground Coal Mines;" as published in the July 1, 2012 Code of Federal Regulations.

(h) 40 CFR 51.165 ; "Permit requirements;" 51 FR 40669, Nov. 7, 1986, as amended at 52 FR 24713, July 1, 1987; 52 FR 29386, Aug 7, 1987; 54 FR 27285, 27299 June 28, 1989; 57 FR 3946, Feb. 3, 1992; 57 FR 32334, July 21, 1992; 67 FR 80244, Dec. 31, 2002; 68 FR 63027, Nov. 7, 2003; 69 FR 40275, July 1, 2004 ; 70 FR 71698, Nov. 29, 2005; 72 FR 24077, May 1, 2007; 72 FR 32528, June 13, 2007; 72 FR 72616, Dec. 21, 2007; 73 FR 28347, May 16, 2008.

(i) 40 CFR 51.166; "Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Prevention of significant deterioration of air quality;" as published in the July 1, 2012 Code of Federal Regulations.

(j) 40 CFR 52.21; "Approval and Promulgation of Implementation Plans, Prevention of significant deterioration of air quality"; as published in the July 1, 2012 Code of Federal Regulations.

(k) 40 CFR 60.15(b)(1); "Standards of Performance for New Stationary Sources - Reconstruction"; 40 FR 58420, Dec. 16, 1975.

(l) 40 CFR 60.111b ; "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 - Definitions;" 52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989; 65 FR 61756, Oct. 17, 2000; 68 FR 59333, Oct. 15, 2003.

(m) 40 CFR 60.671 ; "Standards of Performance for Nonmetallic Mineral Processing Plants - Definitions;" 51 FR 31337, Aug. 1, 1985, as amended at 62 FR 31359, June 9, 1997.

(n) 40 CFR 60.4211 ; "What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?;" 71 FR 39172, July 11, 2006, as amended at 76 FR 37970, June 28, 2011, 78 FR 6695, Jan. 30, 2013.

(o) 40 CFR 60.4231 ; "What emission standards must I meet if I am a manufacturer of stationary SI internal combustion engines or equipment containing such engines?;" 73 FR 3591, Jan. 18, 2008, as amended by 73 FR 59175, Oct. 8, 2008; 76 FR 37973, June 28, 2011, 78 FR 6695, Jan. 30, 2013.

(p) 40 CFR 63.6640; "How do I demonstrate continuous compliance with the emission limitations and operating limitations?" as published in the July 1, 2013 Code of Federal Regulations.

(q) 40 CFR 81.336; "Designation of Area for Air Quality Planning Purposes- Ohio"; as published in the July 1, 2012 Code of Federal Regulations.

(r) 40 CFR 87.1(a) ; "Control of Air Pollution From Aircraft and Aircraft Engines, Definitions;" 47 FR 58470, Dec. 30, 1982, as amended at 49 FR 31875, Aug. 9, 1984; 62 FR 25365, May 8, 1997.

(s) 40 CFR 89.2 ; "Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines, Definitions;" 59 FR 31335, June 17, 1994, as amended at 61 FR 52102, Oct. 4, 1996; 63 FR 18998, Apr. 16, 1998; 63 FR 56996, Oct. 23, 1998; 65 FR 73331, Dec. 29, 1999; 67 FR 68339, Nov. 8, 2002; 69 FR 39212, June 29, 2004; 70 FR 40444, July 13, 2005; 72 FR 53126, Sept. 18, 2007.

(t) 40 CFR 92.907 ; "Control of Air Pollution From Locomotives and Locomotive Engines, Non-locomotive-specific engine exemption;" 63 FR 18998, Apr. 16, 1998; as amended at 70 FR 40457, July 13, 2005.



(u) 40 CFR Part 50, Appendix J; "Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere;" 36 FR 22384, Nov. 25, 1971; 52 FR 24664, July 1, 1987; 52 FR 29467, Aug. 7, 1987.

(v) 40 CFR Part 50, Appendix L; "Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere;" 62 FR 38714, July 18, 1997, as amended at 64 FR 19719, Apr. 22, 1999; 71 FR 61226, Oct. 17, 2006.

(w) 40 CFR Part 51; "Requirements for preparation, adoption, and submittal of implementation plans;" as published in the July 1, 2012 Code of Federal Regulations.

(x) 40 CFR Part 51, Appendix M; "Recommended Test Methods for State Implementation Plans;" 36 FR 22398, Nov. 25, 1971; 55 FR 14249, Apr. 17, 1990; 55 FR 24687, June 18, 1990, as amended at 55 FR 37606, Sept. 12, 1990; 56 FR 6278, Feb. 15, 1991; 56 FR 65435, Dec. 17, 1991; 60 FR 28054, May 30, 1995; 62 FR 32502, June 16, 1997; 71 FR 55123, Sept. 21, 2006; 73 FR 30779, May 29, 2008.

(y) 40 CFR Part 51, Appendix S, Sections I through VI; "Emission Offset Interpretive Ruling;" 36 FR 22398, Nov. 25, 1971; 44 FR 3282, Jan. 16, 1979, as amended at 45 FR 31311, May 13, 1980; 45 FR 52741, Aug. 7, 1980; 45 FR 59879, Sept. 11, 1980; 46 FR 50771, Oct. 14, 1981; 47 FR 27561, June 25, 1982; 49 FR 43210, Oct. 26, 1984; 51 FR 40661, 40675, Nov. 7, 1986; 52 FR 24714, July 1, 1987; 52 FR 29386, Aug 7, 1987; 54 FR 27285, 27299, June 28, 1989; 57 FR 3946, Feb. 3, 1992; 70 FR 71702, Nov. 29, 2005; 72 FR 10373, Mar. 8, 2007; 72 FR 24077, May 1, 2007; 72 FR 72616, Dec. 21, 2007; 73 FR 28348, May 16, 2008.

(z) 40 CFR Part 51, Appendix W; "Guideline on Air Quality Models;" 70 FR 68228, Nov. 9, 2005.

(aa) 40 CFR Part 51, Subpart I; "Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Subpart I -- Review of New Sources and Modifications;" as published in the July 1, 2012 Code of Federal Regulations.

(bb) 40 CFR Part 52; "Approval and promulgation of implementation plans;" as published in the July 1, 2012 Code of Federal Regulations.

(cc) 40 CFR Part 53; "Ambient Air Monitoring Reference and Equivalent Methods;" as published in the July 1, 2012 Code of Federal Regulations.

(dd) 40 CFR Part 58, Appendix B; "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring;" 44 FR 27571, May 10, 1979; 44 FR 65070, Nov. 9, 1979; 44 FR 72592, Dec. 14, 1979, as amended at 46 FR 44168, Sept. 3, 1981; 48 FR 2530, Jan. 20, 1983; 51 FR 9596, Mar. 19, 1986; 52 FR 24741, July 1, 1987; 59 FR 41628, 41629, Aug. 12, 1994; 60 FR 52321, Oct. 6, 1995.

(ee) 40 CFR Part 60; "Standards of Performance for New Stationary Sources;" as published in the July 1, 2012 Code of Federal Regulations.

(ff) 40 CFR Part 60, Appendix A; "Test Methods - Standards of Performance for New Stationary Sources;" as published in the July 1, 2012 Code of Federal Regulations.

(gg) 40 CFR Part 60, Appendix B; "Performance Specifications;" 48 FR 13327, Mar. 30, 1983 and 48 FR 23611, May 25, 1983, as amended at 48 FR 32986, July 20, 1983; 51 FR 31701, Aug. 5, 1985; 52 FR 17556, May 11, 1987; 52 FR 30675, Aug. 18, 1987; 52 FR 34650, Sept. 14, 1987; 53 FR 7515, Mar. 9, 1988; 53 FR 41335, Oct. 21, 1988; 55 FR 18876, May 7, 1990; 55 FR 40178, Oct. 2, 1990; 55 FR 47474, Nov. 14, 1990; 56 FR 5526, Feb. 11, 1991; 59 FR 64593, Dec. 15, 1994; 64 FR 53032, Sept. 30, 1999; 65 FR 62130, 62144, Oct. 17, 2000; 65 FR 48920, Aug. 10, 2000; 69 FR 1802, Jan. 12, 2004; 70 FR 28673, May 18, 2005; 71 FR 55127, Sept. 21, 2006; 72 FR 32767, June 13, 2007; 72 FR 51527, Sept. 7, 2007; 72 FR 55278, Sept. 28, 2007.

(hh) 40 CFR Part 60, Subpart I; "Standards of Performance for Hot Mix Asphalt Facilities;" 39 FR 9314, Mar. 8, 1974, as amended at 40 FR 46259, Oct. 6, 1975; 42 FR 37936, July 25, 1977; 51 FR 12325, Apr. 10, 1986; 54 FR 6667, Feb. 14, 1989.

(ii) 40 CFR Part 60, Subpart J; "Standards of Performance for Petroleum Refineries;" 39 FR 9315, Mar. 8, 1974, as amended at 40 FR 46259, Oct. 6, 1975; 42 FR 32427, June 24, 1977; 42 FR 39389, Aug. 4, 1977; 43 FR 10868, Feb. 15, 1978; 43 FR 10868-10869, Mar. 15, 1978; 44 FR 13481, Mar. 12, 1979; 44 FR 61543, Oct. 25, 1979; 45 FR 79453, Dec. 1, 1980; 48 FR 23611, May 25, 1983; 50 FR 31701, Aug. 5, 1985; 51 FR 42842, Nov. 26, 1986; 52 FR 20392, June 1, 1987; 53 FR 41333, Oct. 21, 1988; 54 FR 34026-340310, Aug. 17, 1989; 55 FR 40175-40176, 40178, Oct. 2, 1990; 56 FR 4176, Feb. 4, 1991; 64 FR 7465-7466, Feb. 12, 1999; 65 FR 61753-61755, Oct. 17, 2000; 71 FR 55127, Sept. 21, 2006; 73 FR 35865, June 24, 2008.

(jj) 40 CFR, Part 60, Subpart Dc; "Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units;" 55 FR 37683, Sept. 12, 1990, as amended at 61 FR 20736, May 8, 1996; 64 FR 7465, Feb. 12, 1999; 65 FR 61752, Oct. 17, 2000; 65 FR 61753, Oct. 17, 2000; 72 FR 32759, June 13, 2007.

(kk) 40 CFR Part 60, Subpart AAA; "Standards of Performance for New Residential Wood Heaters;" 53 FR 5873-5874, Feb. 26, 1988, as amended at 53 FR 12009, Apr. 12, 1988; 53 FR 14889, Apr. 26, 1988; 57 FR 5328, Feb. 13, 1992; 60 FR 33925, June 29, 1995; 53 FR 5873, Feb. 26, 1988; 63 FR 64874, Nov. 24, 1998; 64 FR 7466, Feb. 12, 1999; 65 FR 61763-61764, Oct. 17, 2000.

(ll) 40 CFR Part 60, Subpart OOO; "Standards of Performance for Nonmetallic Mineral Processing Plants;" 51 FR 31337, Aug. 1, 1985, as amended at 54 FR 6680, Feb. 14, 1989; 62 FR 31359-31360, June 9, 1997; 65 FR 61778, Oct. 17, 2000.

(mm) 40 CFR Part 60, Subpart IIII; "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines;" as published in the July 1, 2012 Code of Federal Regulations.

(nn) 40 CFR Part 60, Subpart JJJJ; "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines;" as published in the July 1, 2012 Code of Federal Regulations.

(oo) 40 CFR Part 63, Subpart ZZZZ; "National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines;" as published in the July 1, 2012 Code of Federal Regulations.

(pp) 40 CFR Part 61; "National Emission Standards for Hazardous Air Pollutants;" as published in the July 1, 2012 Code of Federal Regulations.

(qq) 40 CFR Part 61, Subpart M; "National Emission Standard for Asbestos;" 49 FR 13661, Apr. 5, 1984 as amended by 49 FR 25453, June 21, 1984; 51 FR 8199, Mar. 10, 1986; 53 FR 36972, Sept. 23, 1988; 55 FR 48414, 48416, 48419, 48424, 48429-48433, Nov. 20, 1990; 56 FR 1669, Jan. 16, 1991; 55 FR 48424, Nov. 20, 1991; 60 FR 31920, June 19, 1995; 64 FR 7467, Feb. 12, 1999; 68 FR 54793, Sept. 18, 2003; 69 FR 43324, July 20, 2004.

(rr) 40 CFR Part 63; "National Emission Standards for Hazardous Air Pollutants for Source Categories;" as published in the July 1, 2012 Code of Federal Regulations.

(ss) 40 CFR Part 89; "Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines;" as published in the July 1, 2012 Code of Federal Regulations.

(tt) 40 CFR Part 92; "Control of Air Pollution From Locomotives and Locomotive Engines;" as published in the July 1, 2012 Code of Federal Regulations.

(uu) 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code; as amended December 19, 2007, Pub. L. 110-140, sec 201, 202, 203(f), 204, 208, 209, 210(a), 210(b), 210(c), 247, and 251, 121 Stat. 1519, 1521, 1529, 1531, 1532, 1547, and 1548.

(vv) 42 USC 7410; "State implementation plans for national primary and secondary ambient air quality standards"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(ww) 42 USC 7412(h); "Hazardous air pollutants, Work practice standards and other requirements"; published January 2, 2005 in Supplement V of the 2000 Edition of the United States Code.

(xx) "Chemical Rubber Company (CRC) Handbook of Chemistry and Physics," 89th Edition, 2008-2009 as published on June 17, 2008.

(yy) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121(e); contained in 42 USC 9621; "Cleanup standards"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(zz) Federal Power Act; contained in 16 USC 791 to 828c ; "Federal Regulation and Development of Power;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(aaa) New source performance standards; contained in 42 USC 7411; "Standards of performance for new stationary sources"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(bbb) North American Electric Reliability Corporation Reliability Standard EOP-002-3; "Capacity and Energy Emergencies"; adopted August 5, 2010.

(ccc) Part C of Title I of the Clean Air Act; contained in 42 USC 7470 to 7492 ; "Prevention of Significant Deterioration of Air Quality;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(ddd) Part D of Title I of the Clean Air Act; contained in 42 USC 7501 to 7515 ; "Plan Requirements for Nonattainment Areas;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(eee) RCRA Subtitle D; contained in 42 USC 6941 to 6949a; "Resource Conservation and Recovery Act, State or Regional Solid Waste Plans"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(fff) Recommended policy on control of volatile organic compounds; 42 FR 35314, July 8, 1977.

(ggg) Section 1.4, "Natural Gas Combustion"; contained in Chapter 1, "External Combustion Sources", Volume I, "Stationary Point and Area Sources" of the "Compilation of Air Pollutant Emission Factors, AP-42;" Fifth Edition, supplement D, as published July, 1998.

(hhh) Section 2(A) and (B) of the Energy Supply and Environmental Coordination Act of 1974; contained in 15 USC 792 ; "Coal conversion and allocation;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.

(iii) Section 107(d) of the Clean Air Act; contained in 42 USC 7407 ; "Air Quality Control Regions-Designations;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(jjj) Section 108 of the Clean Air Act; contained in 42 USC 7408 ; "Air quality criteria and control techniques;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(kkk) Section 109 of the Clean Air Act; contained in 42 USC 7409; "National primary and secondary ambient air quality standards"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(lll) Section 110 of the Clean Air Act; contained in 42 USC 7410 ; "State implementation plans for national primary and secondary ambient air quality standards;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(mmm) Section 111 of the Clean Air Act; contained in 42 USC 7411; "Standards of performance for new stationary sources"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(nnn) Section 112 of the Clean Air Act; contained in 42 USC 7412; "Hazardous Air Pollutants"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(ooo) Section 112(b) of the Clean Air Act; contained in 42 USC 7412; "Hazardous air pollutants-List of pollutants"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(ppp) Section 112(c) of the Clean Air Act; contained in 42 USC 7412; "Hazardous air pollutants - List of source categories"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(qqq) Section 112(d) of the Clean Air Act; contained in 42 USC 7412; "Hazardous air pollutants-Emission standards"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(rrr) Section 112(h) of the Clean Air Act; contained in 42 USC 7412 ; "Hazardous air pollutants-Work practice standards and other requirements;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(sss) Section 112(j) of the Clean Air Act; contained in 42 USC 7412; "Hazardous air pollutants-Equivalent emission limitation by permit"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(ttt) Section 112(l) of the Clean Air Act; contained in 42 USC 7412; "Hazardous Air Pollutants"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(uuu) Section 113 of the Clean Air Act; contained in 42 USC 7413; "Federal enforcement"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(vvv) Section 121(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); contained in 42 USC 9621; "Cleanup Standards - Permits and Enforcement"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(www) Section 125 of the Clean Air Act; contained in 42 USC 7425; "Measures to prevent economic disruption or unemployment"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(xxx) Section 173 of the Clean Air Act; contained in 42 USC 7503; "Permit requirements"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(yyy) Section 171 of the Clean Air Act; contained in 42 USC 7501; "Definitions"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(zzz) Section 182(c) of the Clean Air Act; contained in 42 USC 7511a; "Plan submissions and requirements-Serious Areas"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(aaaa) Section 182(f) of the Clean Air Act; contained in 42 USC 7511a; "Plan submissions and requirements-NO requirements"; published January 2, 2006 in Supplement <sup>x</sup> V of the 2000 Edition of the United States Code.

(bbbb) Section 189 of the Clean Air Act; contained in 42 USC 7513a ; "Plan Provisions and Schedules for Plan Submissions;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(cccc) Section 202 of the Clean Air Act; contained in 42 USC 7521 ; "Emission standards for new motor vehicles or new motor vehicle engines;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(dddd) Section 216 of the Clean Air Act; contained in 42 USC 7550 ; "Motor Vehicle Emission and Fuel Standards - Definitions;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(eeee) Section 304 of the Clean Air Act; contained in 42 USC 7604; "Citizen suits"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(ffff) Section 402(12) of Title IV of the Clean Air Act; contained in 42 USC 7651a; "Definitions"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(gggg) Section 409 of the Clean Air Act; contained in 42 USC 7651h; "Repowered sources"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(hhhh) Section 504(a) of the Clean Air Act; contained in 42 USC 7661c; "Permit requirements and conditions"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(iiii) Standard industrial classification manual. United States Office of management and budget. Last amended 1988.

(jjjj) Title II of the Clean Air Act; contained in 42 USC 7521 to 7590;

"Emission Standards for Moving Sources;" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code; December 19, 2007, Pub. L. 110-140, sec 201, 202, 203(f), 204, 208, 209, 210(a), 210(b), 210(c), 247, and 251, 121 Stat. 1519, 1521, 1529, 1531, 1532, 1547, and 1548.

(kkkk) Title IV of the Clean Air Act; contained in 42 USC 7651 to 7651o; "Acid Deposition Control"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(llll) Title VI of the Clean Air Act; contained in 42 USC 7671 to 7671q; "Stratospheric Ozone Protection"; published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(mmmm) USEPA Method 9; contained in 40 CFR Part 60, Appendix A-4; "Visual Determination of the Opacity of Emissions From Stationary Sources;" as published in the July 1, 2012 Code of Federal Regulations.

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## **3745-31-02 Applicability, requirements, and obligations.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials".]

This chapter provides requirements for installation, modification, and operation of new and existing air contaminant sources at facilities that are not subject to Chapter 3745-77 of the Administrative Code. This chapter also provides requirements for installation and modification of air contaminant sources at facilities that are, or will be, subject to Chapter 3745-77 of the Administrative Code. The operating requirements for air contaminant sources, defined as Title V sources, can be found in Chapter 3745-77 of the Administrative Code.

[Comment: Prior to June 30, 2008, requirements for permits-to-operate for sources not subject to Chapter 3745-77 of the Administrative Code were contained in Chapter 3745-35 of the Administrative Code. On June 30, 2008, Chapter 3745-35 was rescinded and all operating requirements for sources at facilities not subject to Chapter 3745-77 of the Administrative Code were incorporated into this chapter. Rules 3745-31-01 to 3745-31-07 of the Administrative Code provide regulatory requirements for installation and modification for all sources. Rules 3745-31-01 to 3745-31-07 of the Administrative Code also provide regulatory requirements for operation of sources at facilities not subject to Chapter 3745-77 of the Administrative Code. Rule 3745-31-08 of the Administrative Code provides the on-going regulatory requirements for sources at facilities not subject to Chapter 3745-77 of the Administrative Code that previously received registration status for permit-to-operate purposes under the now rescinded Chapter 3745-35 of the Administrative Code. Updated requirements for registration status, now defined as express permit-to-install or express PTIOs, are incorporated into rule [3745-31-05](#) of the Administrative Code. Rule 3745-31-09 of the Administrative Code provides for operation or other use of an air contaminant source that emits any air pollutant under a variance. This provision was previously established in the now rescinded rule 3745-35-03 of the Administrative Code. Rule 3745-31-29 of the Administrative Code provides for general permits-to-install and general PTIOs. Rule 3745-31-33 of the Administrative Code identifies activities that are included and excluded from meaning of begin actual construction, as defined in rule [3745-31-01](#) of the Administrative Code. The remaining rules in this chapter, rules 3745-31-10 to 3745-31-28 and rule 3745-31-32 of the Administrative Code, provide additional regulatory requirements for installation and modification of air contaminant sources that are located at a major stationary source or are considered major modifications, as defined in rule [3745-31-01](#) of the Administrative Code. Installation or modification of air contaminant sources that are located at a major stationary source or are considered major modifications, are, or will become, subject to Chapter 3745-77 of the Administrative Code. The operating regulatory requirements for these types of sources are contained in Chapter 3745-77 of the Administrative Code.]

### (A) Permit-to-install or PTIO

(1) Except as provided in rule [3745-31-03](#) of the Administrative Code or paragraph (A)(3) of this rule, no person shall cause, permit, or allow any of the following:



(a) Installation or modification of any new source that is, or will be, part of a facility, as defined in Chapter 3745-77 of the Administrative Code, and that is required to obtain a Title V permit under Chapter 3745-77 of the Administrative Code, without first obtaining a permit-to-install from the director.

(b) Installation or modification, and subsequent operation of any new source that is not part of a facility, as defined in Chapter 3745-77 of the Administrative Code, and that is not required to obtain a Title V permit under Chapter 3745-77 of the Administrative Code, without first obtaining a PTIO from the director .

[Comment: Paragraph (A)(1)(b) of this rule is not intended to prohibit any new source, as defined in rule [3745-31-01](#) of the Administrative Code, currently operating under an effective permit-to-install or permit-to-operate from continuing operation in accordance with those permits. Nor is it intended to prohibit any new source currently operating under an expired permit-to-operate, where a timely and complete application for renewal is pending in accordance with division (C) of section [119.06](#) of the Revised Code, from continuing operation in accordance with the expired permit-to-operate until such time as a new PTIO is issued or denied.]

(c) Operation of any air contaminant source, except as provided in rule 3745-31-08 of the Administrative Code, not defined as a new source under rule [3745-31-01](#) of the Administrative Code, that is not part of a facility, as defined in Chapter 3745-77 of the Administrative Code, and that is not required to obtain a Title V permit under Chapter 3745-77 of the Administrative Code, without first obtaining authority to operate through issuance of a PTIO from the director, which may include any of the following:

(i) Requirements for equipping the air contaminant source with instrumentation and sensing devices to monitor and record emission data and other information about the operation of the air contaminant source.

(ii) Requirements for performance tests that demonstrate that the source is in compliance with applicable emission limitations and other applicable laws, at the applicant's expense, in accordance with methods prescribed by the Ohio environmental protection agency. The Ohio environmental protection agency, or its representatives, may observe, participate in, or conduct any performance test required.

(2) An owner or operator who currently holds a permit-to-install or permit-to-operate for an air contaminant source which permit was issued prior to the effective date of this rule, may be issued a PTIO for the same air contaminant source. The director may require the owner or operator of the air contaminant source submit an updated application for the PTIO. Upon final issuance of the PTIO, any permit-to-install or permit-to-operate for the air contaminant source will be superseded by the issuance of the PTIO. The superseded permits will terminate and cease to be enforceable.

(3) No installation permit shall be required for activities that are subject to and in compliance with a plant-wide applicability limit issued by the director in accordance with rule [3745-31-32](#) of the Administrative Code.

(B) Changes in applicability: Title V versus non-Title V.

This paragraph is applicable to an owner or operator where a change in the air contaminant source, stationary source, or applicable law results in a change in the requirements applicable to the source under this chapter or Chapter 3745-77 of the Administrative Code. A change may include, but is not limited to, a modification or major modification as defined in this chapter, a relaxation of a federally enforceable limitation on the potential to emit applicable under paragraph (D) of rule [3745-31-05](#) of the Administrative Code, or the imposition of a federally enforceable limitation, or limitation legally and practicably enforceable by the state, on the potential to emit that restricts a stationary source's potential to emit below major source thresholds applicable under paragraph (D) of rule [3745-31-05](#) of the Administrative Code.

(1) The following is applicable to an owner or operator who holds a permit-to-install, permit-to-operate or PTIO where a change subjects the owner or operator to the requirements of Chapter 3745-77 of the Administrative Code:

(a) The owner or operator shall submit a Title V permit application and obtain a Title V permit from the director, as required under Chapter 3745-77 of the Administrative Code.

(b) If the change is defined as a new source, modification or major modification under this chapter, the owner or operator shall submit the required application and obtain a permit-to-install, as required under this chapter, from the director.

(c) Upon final issuance of the permit required under paragraph (B)(1)(a) of this rule, and, if applicable, under paragraph (B)(1)(b) of this rule, any permit-to-operate, or any terms and conditions specifically identified in the standard terms and conditions of a PTIO as no longer enforceable under conditions described in paragraph (B)(1) of this rule, will be superseded by the issuance of the Title V permit required under paragraph (B)(1)(a) of this rule, and, if applicable, the permit-to-install required under paragraph (B)(1)(b) of this rule. All superseded permits-to-operate and specifically superseded terms and conditions of a PTIO, will terminate and cease to be enforceable. As applicable, terms and conditions of any PTIO not superseded will function as the permit-to-install.

(2) The following is applicable to an owner or operator who currently holds a Title V permit where a change eliminates the applicability of Chapter 3745-77 of the Administrative Code but the change does not exempt the owner or operator from requirements to obtain a PTIO:

(a) The owner or operator may submit the required application and obtain a PTIO or Federally Enforceable PTIO (FEPTIO) from the director, as required under this chapter.

[Comment: An owner or operator with authority to operate under a Title V permit which subsequently makes a change at the facility that eliminates the applicability of Chapter 3745-77

of the Administrative Code is not obligated to obtain a PTIO or FEPTIO if the owner or operator elects to continue to be permitted under the Title V permit.]

(b) Final issuance of any permit under paragraph (B)(2)(a) of this rule does not release the owner or operator from the requirements contained in Chapter 3745-77 of the Administrative Code or the owner or operator's active Title V permit, except as expressly released in rule, by order of the director, or a in a federally enforceable permit.

(C) Permanent shutdown of an air contaminant source subject to the terms and conditions of a permit-to-install or PTIO.

When expressly provided in the terms and conditions of a permit-to-install or PTIO, the owner or operator of an air contaminant source that is permanently shutdown may be relieved from certain requirements in the terms and conditions of the permit-to-install or PTIO, without obtaining a modification or administrative modification, upon meeting the requirements specified in the permit for permanently shutting down air contaminant sources. Those terms and conditions for which the owner or operator is relieved will cease to be enforceable upon meeting the requirements for permanently shutting down air contaminant sources contained in the terms and conditions of the permit.

(D) The director, in the director's discretion, may issue an order requiring any person planning to install or modify, or in the process of installing or modifying, any air contaminant source as defined in rule [3745-31-01](#) of the Administrative Code, that is otherwise exempted, to obtain a permit-to-install or PTIO, before proceeding with installation or modification, if in the director's judgment, operation of the air contaminant source after installation or modification might result in a violation of the criteria established in paragraph (A) of rule [3745-31-05](#) of the Administrative Code.

(E) The director, in the director's discretion or where required to do so by federal laws or regulations, may issue a single permit-to-install or PTIO having application to all pollutants of any kind emanating from any air contaminant source, or issue a single permit-to-install or PTIO having applicability to more than one air contaminant source, controlled by a common owner or operator, located in the same county.

(F) The approval to construct or operate under this chapter shall not relieve any owner or operator of a stationary source of the responsibility to comply fully with applicable provisions of this chapter and any other requirements under local, state or federal law.

(G) If any provision of this chapter or the application of such provision to any person or circumstance, is held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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### **3745-31-03 Exemptions.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the “Incorporation by Reference” section at the end of rule [3745-31-01](#) of the Administrative Code.]

(A) A permit-to-install or PTIO as required by rule [3745-31-02](#) of the Administrative Code must be obtained for the installation or modification, and operation of an air contaminant source unless exempted from the requirements as follows:

[Comment: The following exemptions relieve permittees from the obligation to apply for and obtain a permit-to-install or PTIO. They do not, however, exempt any air contaminant source from requirements of the Clean Air Act, including being considered for purposes of determining whether a facility constitutes a major source or is otherwise regulated under Chapter 3745-77 of the Administrative Code or any requirement to identify insignificant activities and emission levels in a Title V permit application. In addition, this rule does not relieve the owner or operator from the requirement of including the emissions associated with the exempt sources into any major NSR permitting action.]

#### (1) Permanent exemptions

The following exemptions do not apply to emissions units subject to 40 CFR Part 61, the national emission standards for hazardous air pollutants (NESHAPs), with the exception of 40 CFR Part 61, Subpart M, asbestos removal activities; or emissions units subject to 40 CFR Part 63, the NESHAPs for source categories, MACT standards, unless such standard either only requires submission of a notification, and written notification satisfying the MACT notification requirements has been or will be submitted to the Ohio environmental protection agency prior to the notification deadline imposed by the MACT, or such standard does not impose any requirements (i.e., notifications, emissions limits, record keeping, etc.) to the particular emissions unit; or emissions units subject to the new source performance standards (NSPS) with the exception of 40 CFR Part 60, Subpart AAA, residential wood heaters, 40 CFR Part 60, Subpart OOO, nonmetallic mineral processing plants, and 40 CFR Part 60, Subpart I, hotmix asphalt facilities.

(a) Fossil fuel-fired boilers, preheaters, air heaters, water heaters, or heaters used for other heat exchange media less than ten million British thermal units per hour burning only natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas.

(b) Fossil fuel or wood fuel-fired boilers, preheaters, air heaters, or water heaters less than one million British thermal units per hour except units burning waste fuels or waste oil.

(c) Fossil fuel-fired furnaces or dryers less than ten million British thermal units per hour and burning only natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas and the only emissions are from the products of combustion from fuel and water vapor and where no melting or refining occurs nor where any burning of any material occurs.

(d) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

(e) Equipment used exclusively for the packaging of lubricants or greases, and water-borne adhesives, coatings or binders.

(f) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-borne adhesives, coatings, or binders.

(g) Bakery ovens that bake:

(i) Chemically leavened products; or

(ii) Yeast dough products and that are not located at a commercial bakery; or

(iii) Biscuits, crackers, cookies and other similar nonleavened projects; or

(iv) Yeast dough, bread, buns and rolls at a bakery having a total maximum yeast dough, bread, buns and rolls production rate of less than or equal to one thousand pounds per hour.

(h) Mixers and blenders and deep fat fryers (except deep fat fryers used for large scale production of products) where the products are edible and intended for human consumption.

(i) Laboratory equipment

(i) Laboratory equipment and laboratory fume hoods used exclusively for chemical or physical analyses and bench scale laboratory equipment.

(ii) Laboratory paint booths used to prepare samples for chemical or physical analysis where the actual emissions of each laboratory paint booth is less than 3.0 tons of VOC per year and where:

(a) The owner or operator maintains records, available to the director upon request, detailing that the VOC emissions are less than 3.0 tons of VOC per year, and

(b) Any exhaust system that serves only coating spray equipment is supplied with a properly installed and operating particulate control system.

(j) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

(k) Equipment used for injection molding of resins where no more than one million pounds of resins (thermoplastic or thermosetting) per rolling twelve-month period are used in injection machines at the facility.

(l) Storage tanks for:

(i) Inorganic liquids including water (at standard temperature and pressure) except as described in paragraph (A)(1)(l)(vii) of this rule; or

(ii) Pressurized storage for inorganic compounds or propane, butane, isobutane, and liquid petroleum gases; or

(iii) Liquids with a capacity of less than seven hundred gallons; or

(iv) Organic liquids with a capacity of less than seventy-five cubic meters (nineteen thousand eight hundred fifteen gallons) and equipped with submerged fill, except gasoline storage tanks located at bulk gasoline plants which are subject to the requirements of paragraph (P) of rule [3745-21-09](#) of the Administrative Code; or

(v) Organic liquids with a capacity greater than or equal to seventy-five cubic meters (nineteen thousand eight hundred fifteen gallons) but less than one hundred fifty-one cubic meters (thirty-nine thousand eight hundred ninety-four gallons) storing a liquid with a maximum true vapor pressure, as defined in 40 CFR 60.111 b, of less than 15.0 kilopascals (2.176 pounds per square inch absolute) and equipped with submerged fill; or

(vi) Organic liquids with a capacity greater than or equal to one hundred fifty-one cubic meters (thirty-nine thousand eight hundred ninety-four gallons) storing a liquid with a maximum true vapor pressure, as defined in 40 CFR 60.111 b, of less than 3.5 kilopascals ( 0.508 pounds per square inch absolute); or

(vii) Acids (as defined in the “Chemical Rubber Company (CRC) Handbook of Chemistry and Physics”) stored in tanks less than or equal to seven thousand five hundred gallons capacity.

(m) Compression molding presses used for the curing of plastic products that qualify for the de minimis exemption under rule [3745-15-05](#) of the Administrative Code. This type of press uses a thermosetting resin and involves a chemical reaction, usually involving heat, that converts the material (e.g., polyesters, polyurethanes, epoxy resins, etc.) to a solid, insoluble state using a hardening or curing operation.

(n) Presses used exclusively for extruding clay.

(o) Storage tanks, storage silos, and other farm equipment located on a farm and utilized exclusively for the production of food or grain on the premises.

(p) The relocation of any portable source in the state of Ohio that meets the following requirements under this paragraph:

(i) The company has demonstrated the following:

(a) The portable source was installed after January 1, 1974 and continues to comply with any applicable BAT and state or federal air pollution rule or law; and

(b) The portable source continues to comply with the currently effective permit-to-install or PTIO or express permit-to-install or express PTIO and/or any applicable permit-to-operate; and

(c) The applicant has provided proper notice of intent to relocate the portable source to the director within a minimum of thirty days prior to the scheduled relocation; and

(d) The director has issued a notice stating that in the director’s judgment, the proposed site is acceptable under rule [3745-15-07](#) of the Administrative Code, and

(e) The director has issued a notice stating that in the director’s judgment, relocating the portable source will not result in the installation of a major stationary source or the modification of a major stationary source.

[Comment: Relocation of any portable source that results in the installation of a major stationary source or the modification of a major stationary source must also meet all applicable requirements under this chapter, including the requirement to obtain a permit-to-install prior to relocation. Relocation of any portable source that results in the creation of a major source, as defined in rule [3745-77-01](#) of the Administrative Code, must also meet all applicable requirements under the Title V program contained in Chapter 3745-77 of the Administrative Code, which may include the requirement to apply for a Title V permit.]

(ii) The director has issued a site approval for the new location pursuant to rule [3745-31-05](#) of the Administrative Code.

(q) A drycleaning facility constructed between January 1, 1974 and December 31, 1981 in which the annual amounts of fabric dry cleaned with perchloroethylene is less than sixty thousand pounds and is not located in Butler, Clermont, Cuyahoga, Franklin, Greene, Hamilton, Lake, Lorain, Lucas, Mahoning, Medina, Montgomery, Portage, Stark, Summit, Trumbull, Warren and Wood counties.

- (r) Noncontinuous solvent recycling or reclaiming units with less than twenty gallons capacity.
- (s) Non-heatset or sheet-fed presses with an OC potential to emit of less than three tons per year.
- (t) An incinerator located at a dwelling designed and used to dispose of residential wastes and having a capacity for serving six or fewer households or units per dwelling.
- (u) Equipment used for spraying or applying insecticides, pesticides, and herbicides except at facilities producing these substances or mixtures for sale or distribution.
- (v) Combustors used exclusively for the purpose of research and development of more efficient combustion of coal or more effective prevention of air pollutant emissions from coal combustion, less than ten million British thermal units per hour and an annual average capacity factor of not more than twenty per cent.
- (w) Solvent cold cleaners that meet the provisions of paragraph (O) of rule [3745-21-09](#) of the Administrative Code and have a liquid surface area less than or equal to ten square feet or a reservoir opening of less than six inches in diameter.
- (x) Ink-jet printers.
- (y) Grinding and machining operations, abrasive blasting, pneumatic conveying, and wood working operations controlled with a fabric filter, scrubber, or mist collector designed to emit not more than 0.03 grains of particulate per dry standard cubic foot of exhaust gas with less than four thousand actual cubic feet per minute volume, venting inside a building, and emitting less than ten pounds per day of nonparticulate matter air contaminants.
- (z) Uncontrolled grinding, machining, and sanding operations, abrasive cleaning operations (dry or wet), pneumatic conveying and woodworking operations that have no visible emissions, vent to the inside of a building and emit less than ten pounds per day of nonparticulate matter air contaminants.
- (aa) Parts washers and rinse tanks using detergent cleaners.
- (bb) Aluminum die-casting machines.
- (cc) Air contaminant sources at nonproduction research and development operations with a potential to emit from any air contaminant source of less than one ton per year of any criteria pollutant per air contaminant source.
- (dd) Vegetable oil storage tanks and pumps and valves used in vegetable oil processing operations.
- (ee) Gasoline dispensing facilities, as defined in paragraph (H) of rule [3745-21-01](#) of the Administrative Code, or other motor fuel dispensing facilities that are equipped with Stage I vapor control and are not located in Ashtabula, Butler, Clark, Clermont, Cuyahoga, Delaware, Franklin,



Geauga, Greene, Hamilton, Lake, Licking, Lorain, Lucas, Mahoning, Medina, Miami, Montgomery, Portage, Stark, Summit, Trumbull, Warren, or Wood counties.

(ff) Gasoline dispensing facilities, as defined in paragraph (H) of rule [3745-21-01](#) of the Administrative Code, or other motor fuel dispensing facilities that have an individual maximum annual throughput of less than six thousand gallons of gasoline per year.

(gg) Air separation plants.

(hh) All maintenance welding.

(ii) Arc welding where emissions of particulate matter are vented to a control device located and vented inside the building.

(jj) Passive methane venting systems from non-hazardous waste landfills.

(kk) Coating applicators with properly designed and operated particulate matter control devices and venting systems that employ less than five gallons of only air-dried coating material in any one day provided that the applicators are:

(i) Not located in a nonattainment area for ozone,

(ii) Not subject to limits specified in or not specifically exempted from rule [3745-21-09](#) of the Administrative Code,

(iii) Not subject to federal standards of performance for new stationary sources; and

(iv) Not located at a facility with actual emissions of twenty-five or more tons of volatile organic materials per year and are not subject to a standard under Section 112 of the Clean Air Act.

(ll) Refrigerant reclaiming and recycling machines located at motor vehicle repair facilities.

(mm) Natural gas compressor engines used for maintenance activities with a heat input rate of no greater than ten million British thermal units per hour fired by natural gas, gasoline or distillate oil (with less than or equal to 0.5 per cent by weight sulfur).

(nn) Emergency electrical generators, emergency air compressors or emergency water pumps less than or equal to fifty horsepower that burn gasoline, natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas.

For the purposes of this paragraph, the definitions in paragraph (A)(4)(a)(viii) of this rule apply.

(oo) Two-stroke or four-stroke, air-cooled, gasoline-powered engines no more than twenty horsepower used for lawnmowers, small electric generators, compressors, pumps, minibikes, snow throwers, garden tractors or other similar uses.

(pp) Non-road engines, subject to the following provisos:

(i) Consistent with this exemption and pursuant to division (T)(3) of section 3745.11 of the Revised Code, permit-to-install fees for the installation of exempt non-road engines, as required under

section 3745.11 of the Revised Code, are hereby waived for any permit-to-install issued for an exempt non-road engine where the permittee has not yet paid the fee.

(ii) This exemption does not apply to non-road engines that emit visible particulate emissions with opacities greater than twenty per cent as a six-minute average as determined by USEPA Method 9 of 40 CFR Part 60, Appendix A.

(qq) Internal combustion engine(s) used for locomotion installed in a marine vessel, an aircraft, a locomotive, a recreational vehicle, a motor vehicle (self-propelled vehicles designed for transporting persons or property on a street or highway), a vehicle used solely for competition, or an off-highway vehicle.

(rr) A dynamometer operation for fully assembled motor vehicles. This exemption includes dynamometer operations used as part of final assembly of new motor vehicles, roll testing of new motor vehicles, testing of vehicles used solely for competition, testing of motor vehicles for compliance with emissions standards, motor vehicle maintenance, road testing and repair dynamometers and other similar fully assembled motor vehicle dynamometer operations.

(ss) The one time use of a mobile treatment unit or vacuum truck in order to contain and/or prevent further migration of a hazardous material spill during an emergency response. This exemption shall be effective for thirty days from the date the mobile treatment unit or vacuum truck is first put into use unless the owner or operator meets one of the following requirements within the thirty day period:

(i) Applies for a permit-to-install or PTIO in accordance with rule [3745-31-02](#) of the Administrative Code. The exemption shall expire upon final issuance or final denial of the permit-to-install or PTIO.

(ii) Submits written notification, in accordance with paragraph (A)(4)(a)(ii) of this rule, of the applicability of a permit-by-rule in paragraph (A)(4)(e) or (A)(4)(f) of this rule. The exemption shall expire upon receipt of the written notification by the appropriate Ohio environmental protection agency district office or local air agency.

## (2) Federal based exemptions

The following exemption applies regardless of the applicability of the national emission standards for hazardous air pollutants and/or the new source performance standards.

(a) Cleanup activities associated with the removal or remedial action conducted entirely on site, where such remedial action is selected and carried out in compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121(e) and where such action meets all applicable air pollution emission limits and policies.

## (3) Discretionary exemptions

(a) The director, at his/her discretion, may exempt the installation and operation of an air contaminant source or any other source associated with the clean-up of a spill or a leaking underground storage tank from the requirements to obtain a permit-to-install or PTIO.

(b) The director, at his/her discretion, may exempt the installation and operation of an air contaminant source from the requirements to obtain a permit-to-install or PTIO to deal with an emergency situation involving immediate threats to human health, property or the environment.

(c) The director, at his/her discretion, may exempt the installation and operation of an air contaminant source from the requirements to obtain a permit-to-install or PTIO for the emergency replacement of storage tanks associated with a leaking underground storage tank for a period not to exceed six months.

(d) The director, at his/her discretion and in writing, may exempt the installation and operation or modification of an air contaminant source from the requirement to obtain a permit-to-install or PTIO for a period of up to six months for purposes of research and development of more effective prevention or control of air pollutant emissions or of more efficient combustion of coal.

(e) A temporary source that, as so ordered by the director at his/her discretion, is to be operated for the purpose of testing air contaminant pollution emissions so that a suitable control technology can be ascertained and will not operate for more than two calendar years.

(f) The director, at his/her discretion and in writing, may exempt the temporary modification and operation of an air contaminant source from the requirements to obtain a permit-to-install or PTIO for a period of up to sixty days for the purpose of evaluating new production feasibility and/or air quality impacts from the temporary modification. A request for this exemption shall be made in writing and shall provide a detailed description of the proposed temporary modification to the air contaminant source, the time period over which the modification will occur, any changes in air emissions from the air contaminant source as a result of the temporary modification, and the ambient impact of the emissions from the air contaminant source as a result of the temporary modification. The director may require that performance tests be conducted during the period of the temporary modification.

(g) The director, at his/her discretion and in writing, may exempt any treatability studies or on-site response actions (cleanup operations) that meet all applicable air emission limits and policies from the requirement to obtain a permit-to-install or PTIO. Anyone requesting this exemption must provide the director with sufficient information to make this decision.

#### (4) Permit-by-rule exemptions

The following air contaminant sources are exempt from the requirement to obtain a permit-to-install or PTIO. These exemptions are valid only as long as the owner or operator complies with all of the permit-by-rule general provisions, meets the qualifying criteria defined in the applicable permit-by-rule and complies with all of the requirements under the applicable permit-by-rule specific provisions. Upon request by the director, the owner or operator of a facility that has exceeded the permit-by-rule thresholds or that the director finds is causing or may cause a public nuisance in violation of rule [3745-15-07](#) of the Administrative Code shall submit an application for a permit-to-install or PTIO.

These exemptions do not, however, exempt any air contaminant source from requirements of the Clean Air Act, including being considered for purposes of determining whether a facility constitutes a major source or is otherwise regulated under Chapter 3745-77 of the Administrative Code or any requirement to list insignificant activities and emission levels in a Title V permit application. In addition, this rule does not relieve the owner or operator from the requirement of including the emissions associated with the exempt sources into any major NSR permitting action.

(a) General provisions

These general provisions apply to all owner or operators who are utilizing one or more of the permit-by-rule exemptions listed in paragraphs (A)(4)(b) to (A)(4)(l) of this rule.

(i) Recordkeeping requirements

The owner or operator shall collect and maintain the records described for each air contaminant source exempted under paragraph (A)(4) of this rule and these records shall be retained in the owner or operator's files for a period of not less than five years, unless otherwise specified in each exemption. These records shall be made available to the director or any authorized representative of the director for review during normal business hours.

(ii) Notification requirements for new installations

For the purposes of this paragraph, a new permit-by-rule air contaminant source is an air contaminant source installed after the promulgation date of any new applicable permit-by-rule or July 29, 2005, whichever comes later. The owner or operator of a new permit-by-rule air contaminant source electing to use an applicable permit-by-rule exemption shall submit a written notification in a form and manner prescribed by the director prior to installation of the air contaminant source. This notification, or form, shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency, and shall contain the following information, at a minimum:

- (a) The owner or operator's and the facility contact's name;
- (b) The facility mailing address and telephone number;
- (c) The location of the air contaminant source(s);
- (d) A description of the air contaminant source, including any pollution control(s); and
- (e) A statement by the owner or operator that indicates which permit-by-rule applies to the air contaminant source.

(iii) Notification requirements for existing permitted sources

The owner or operator of an air contaminant source which is operating under an existing permit-to-install, PTIO and/or permit-to-operate may continue to operate in compliance with that permit or may submit a written request to the Ohio environmental protection agency to revoke any such individual permit or permits and to allow the air contaminant source to operate under the permit-by-rule provisions. The director may revoke a permit-to-install, PTIO and/or permit-to-operate if the permittee requests revocation, agrees to meet all permit-by-rule qualifying and operating conditions, and the director determines that the revocation will not result in the violation of any applicable laws. When a permittee requests a revocation pursuant to this paragraph, the director, without prior hearing, shall make a final determination on the request and inform the permittee in writing.

If the director agrees with the request to operate under the permit-by-rule, then the permit-by-rule becomes applicable to the permittee on the date the existing permit-to-install, PTIO, and/or permit-to-operate are revoked.

(iv) Notification requirements for existing permit-by-rule sources

The owner or operator of an air contaminant source that is operating under one of the permit-by-rules that existed prior to July 29, 2005 (emergency electrical generators, injection and compression molding, crushing and screening plants, soil-vapor extraction and soil-liquid extraction) and desires to continue operating under the permit-by-rule shall submit a written notification which contains all of the elements required in paragraph (A)(4)(a)(ii) of this rule. This notification shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency and shall be submitted by July 29, 2006.

(v) Records retention requirements

Each record of any monitoring data, testing data, and support information required pursuant to a specific permit-by-rule shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the specific permit-by-rule. Such records may be maintained in computerized form.

(vi) Reporting requirements

The owner or operator shall submit required reports in the following manner:

(a) Reports of any monitoring and/or recordkeeping information required by a specific permit-by-rule shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency.

(b) Except as otherwise may be provided in a permit-by-rule specific reporting requirements paragraph of a specific permit-by-rule, a written report of any deviations (excursions) from emission limitations, operational restrictions, qualifying criteria, and control equipment operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in the permit-by-rule shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency within thirty days of the date the deviation occurred. The report shall describe the specific limitation and/or operational restriction exceeded, the probable cause of such deviation, and any corrective actions or preventive measures that have been or will be taken.

(vii) Scheduled maintenance/malfunction reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of rule [3745-15-06](#) of the Administrative Code. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio environmental protection agency district office or local air agency in accordance with paragraph (B) of rule [3745-15-06](#) of the Administrative Code. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is served by such control system(s).

(b) Emergency electrical generators, emergency water pumps, or emergency air compressors powered by internal combustion engines greater than fifty horsepower (37.3 Kilowatts) where each engine operates at any one facility for no more than five hundred hours per rolling twelve-month period and where such engine burns gasoline, natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas and that maintains the following records:

(i) Monthly records that contain the rolling twelve-month hours of operation; and

(ii) Records that show the type of fuel used and the sulfur content (in per cent by weight) of any distillate oil used.

(c) Equipment used for injection and compression molding of resins where:

(i) The facility does not qualify for the exemption under paragraph (A)(1)(k) or (A)(1)(m) of this rule; and

(ii) The facility uses no more than one thousand pounds of VOC in external mold release agents and flatting spray per rolling twelve-month period; and

(a) The facility uses no thermoset resins and no more than six million pounds of thermoplastic resins (e.g., polyethylene, polypropylene, polycarbonate, and polyvinyl chloride, etc.) per rolling twelve-month period in injection machines at the facility (this type of molding operation involves materials that soften and melt upon heating or pressurization heating with no chemical change and no permanent change in physical properties. It does not involve curing, thermosetting or cross-linking.); or

(b) The facility uses no thermoplastic resins and no more than five hundred thousand pounds of thermoset resins (e.g., polyesters, polyurethanes, epoxy resins, etc.) per rolling twelve-month period in injection and compression molding machines at the facility (these types of molding operations use a thermoset resin and involve a chemical reaction, usually involving heat, that converts the material (e.g., polyesters, polyurethanes, epoxy resins, etc.) to a solid, insoluble state using a hardening or curing operation.); or

(iii) No more than three tons of VOCs per rolling twelve-month period are emitted from injection and compression molding machines at the facility, including VOCs emitted as calculated by using emission factors approved by the Ohio environmental protection agency; and

(iv) The facility maintains monthly records that contain the rolling twelve-month usage of thermoplastic resins, thermosetting resins and VOCs in external mold release agents and flatting spray used in all injection and compression molding machines at the facility, and the Ohio environmental protection agency approved emission factors used to calculate the emissions.

(d) Nonmetallic mineral processing plants permit-by-rule

(i) Qualifications

A nonmetallic mineral processing plant, as defined under 40 CFR Part 60, Subpart OOO, that meets the following qualifications is eligible to use this permit-by-rule:

(a) Fixed sand and gravel plants and crushed stone plants (including concrete and asphalt paving plants) with capacities, as defined in 40 CFR 60.671, of twenty-three megagrams per hour (twenty-five tons per hour) or less;

(b) Portable stone and gravel plants and crushed stone plants (including concrete and asphalt paving plants) with capacities, as defined in 40 CFR 60.671, of one hundred thirty-six megagrams per hour (one hundred fifty tons per hour) or less;

(c) Common clay plants and pumice plants with capacities, as defined in 40 CFR 60.671, of nine megagrams per hour (ten tons per hour) or less; and

(d) Fixed and portable soil screening plants with capacities, as defined in 40 CFR 60.671, of one hundred thirty-six megagrams per hour (one hundred fifty tons per hour) or less.

(ii) Requirements

A nonmetallic mineral processing plant identified in paragraph (A)(4)(d)(i) of this rule shall either employ a baghouse, wet scrubber, water sprays or combination thereof that is designed and operated to emit no more than ten per cent opacity from stack or fugitive emission points, or

employ an enclosed design that is designed and operated to emit no more than fifteen per cent opacity from stack or fugitive emission points, and that maintain the following daily records:

- (a) Material throughput in tons per day; and
- (b) Pressure drop readings across the control device as applicable; and
- (c) Meter readings of quantities of water used for wet scrubbing and spray applications as applicable; and
- (d) Operating hours of the crushing and grinding equipment.

(e) Soil-vapor extraction remediation activities located at facilities that have total combined emission rates less than fifteen pounds of OCs per day are hereby exempted from the permit-to-install requirements for a period of eighteen months from the beginning of vapor extraction activities so long as the owner or operator provides the director with the following information prior to beginning actual construction:

- (i) A description and the location of the remediation site.
- (ii) A description of the nature and type of contamination at the site.
- (iii) A description of the vapor extraction processes to be used in the remediation activities.
- (iv) An estimate of the air contaminant emissions in parts per million by volume, pounds per hour and tons per year.
- (v) A description of the costs of the vapor control equipment to be used to control emissions from the remediation activities.
- (vi) A description of the projected start date of the remediation project, a list of the project milestones and an estimate of how long the remediation activities will operate.
- (vii) A notice of when the soil-vapor extraction remediation activities begin, when major project milestones are met and when the remediation activities are completed.

(f) Soil-liquid extraction remediation activities located at facilities that have total combined emission rates less than fifteen pounds of OCs per day are hereby exempted from the permit-to-install requirements for a period of eighteen months from the beginning of the liquid extraction activities so long as the owner or operator provides the director with the following information prior to beginning actual construction:

- (i) A description and the location of the remediation site.
- (ii) A description of the nature and type of contamination at the site.
- (iii) A description of the liquid extraction and liquid-vapor stripping processes to be used in the remediation activities.
- (iv) An estimate of the air contaminant emissions in parts per million by volume, pounds per hour and tons per year.
- (v) A description of the costs of the vapor control equipment to be used to control emissions from the remediation activities.
- (vi) A description of the projected start date of the remediation project, a list of the project milestones and an estimate of how long the remediation activities will operate.
- (vii) A notice of when the soil-liquid extraction remediation activities begin, when major project milestones are met and when the remediation activities are completed.

(g) Auto body refinishing facility permit-by-rule

- (i) Qualifications

An auto body refinishing facility that meets all of the following qualifications is eligible to use this permit-by-rule:

- (a) The facility has two or fewer paint spray booths used for painting.
- (b) The facility does not do more than fifty jobs per week.
- (c) The facility does not use more than three thousand gallons combined of all coatings, solvents, and other VOC containing materials in any calendar year.
- (d) The facility performs all painting operations in enclosed spray booth(s) which are designed to confine and direct the paint overspray, fumes, and vapors to a powered ventilation system and are equipped with either a dry filtration or water wash system(s) to capture paint overspray.
- (e) The facility applies any paint or coatings by one of the following means; high volume low pressure (HVLV) spray equipment, or electrostatic application equipment.
- (f) The exhaust stack(s) of each paint spray booth at the facility:
  - (i) Is equipped with a fan designed to achieve an exhaust flow capacity of at least ten thousand cubic feet per minute.
  - (ii) Discharges air contaminants in a vertical direction, without obstructions like rain caps, goose neck exhaust, or other obstructions.
  - (iii) Has a stack height which is at least sixteen feet, as measured from ground level to the point of discharge to the atmosphere.
  - (iv) Has a point of discharge no closer than sixty feet to the nearest facility property line.
- (ii) Applicable emission limitations and/or control requirements
  - (a) The applicable rules, emission limitations, and control requirements that apply to the facility subject to this permit-by-rule are defined in the following table:

Applicable Rule(s)	Applicable Emission Limitations/Control Requirements
Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code	Facility emissions of VOC shall not exceed nine pounds per hour and 11.7 tons per year. Facility emissions of combined HAPs shall not exceed nine pounds per hour and 11.7 tons per year. Facility emissions of a single HAP shall not exceed 4.5 pounds per hour and 5.85 tons per year.
Paragraph (U)(1) of rule 3745-21-09 of the Administrative Code	This operation is exempt from the requirements of this rule pursuant to paragraph (U)(2)(c) of rule 3745-21-09 of the Administrative Code.
Rule 2745-21-18 of the Administrative Code	The provisions of this rule are only applicable to facilities located in Butler, Clark, Clermont, Greene, Hamilton, Miami, Montgomery and Warren counties.

(iii) Operational requirements

- (a) The owner or operator of the facility shall regularly maintain the spray painting application equipment, exhaust filtration systems, and spray booths in accordance with the



recommended procedures and maintenance intervals of the respective manufacturers in order to minimize air contaminant emissions.

(b) Paint application equipment shall be cleaned using one or more of the following means:

(i) In a device that remains closed at all times when not in use.

(ii) In a system that discharges nonatomized cleaning solvent into a waste container that remains closed when not in use.

(iii) In a reservoir that allows for disassembly and cleaning of application equipment and that is kept closed when not in use.

(iv) In a system that atomizes cleaning solvent into a waste container that is fitted with a device designed to capture atomized solvent emissions.

(c) If a water wash system is employed to control paint overspray, the facility shall comply with all applicable laws pertaining to the handling, treatment, or discharge of waste water.

(d) For facilities located in Butler, Clark, Clermont, Greene, Hamilton, Miami, Montgomery and Warren counties, the operators of paint application equipment shall be trained in the use of a high volume low pressure (HVLP) sprayer or electrostatic spray equipment in accordance with the manufacturer's specifications, and the handling of a coating and any solvents used to clean the spray equipment.

(e) For facilities located in Butler, Clark, Clermont, Greene, Hamilton, Miami, Montgomery and Warren counties, the owners or operators shall store the following materials in non-absorbent, non-leaking containers and keep these containers closed at all times when not in use: fresh coatings, used coatings, solvents, VOC-containing additives and materials, VOC-containing waste materials, and cloth, paper, or absorbent applicators moistened with any of the items listed above.

(iv) Monitoring and/or recordkeeping requirements

(a) The owner or operator of the facility shall maintain annual records which list the following information for each VOC-containing material (coatings, thinners, reducers, surfacers, clean-up solvents, etc.) used or purchased by the facility in each calendar year:

(i) The name and identification number of each material.

(ii) The quantity of each material used or purchased, in gallons.

(iii) The VOC content of each material, in pounds per gallon.

(iv) The total volume, in gallons, of all VOC-containing materials used or purchased.

(b) The owner or operator of the facility shall maintain a record of the number of jobs performed per week.

(c) The owner or operator of the facility shall maintain documentation which demonstrates each exhaust stack complies with the design requirements listed in paragraph (A)(4)(g)(i)(f) of this rule.

(d) For facilities located in Butler, Clark, Clermont, Greene, Hamilton, Miami, Montgomery and Warren counties, the owner or operator shall submit documentation sufficient to demonstrate that all employees applying coatings are properly trained in the use of a high volume low pressure (HVLP) sprayer and electrostatic spray equipment and in the handling of a coating and any solvents used to clean the spray equipment. The owner or operator shall maintain a copy of this documentation on-site and make the documentation available to the Ohio environmental protection agency, or its representative, upon request.

(v) Testing requirements

(a) Compliance with the annual material usage limitation shall be based upon the recordkeeping requirements specified in paragraph (A)(4)(g)(iv)(a) of this rule.

(b) Compliance with the hourly VOC/combined HAP emission limitation is based on multiplying the maximum of one job per hour by a maximum emission factor of nine pounds VOC/combined HAP per job. Compliance with the hourly single HAP emission limitation is based on multiplying the maximum of one job per hour by a maximum emission factor of 4.5 pounds single HAP per job.

(c) Compliance with the annual tons per year VOC/combined HAP emission limitation is based on multiplying the maximum number of jobs per week, fifty, by an emission factor of nine pounds VOC/combined HAP per job by fifty-two weeks per year and dividing by two thousand pounds per ton. Compliance with the annual tons per year single HAP emission limitation is based on multiplying the maximum number of jobs per week, 50, by an emission factor of 4.5 pounds single HAP per job by fifty-two weeks per year and dividing by two thousand pounds per ton.

(h) Gasoline dispensing facility with Stage I controls permit-by-rule

(i) Qualifications

A gasoline dispensing facility, as defined in paragraph (H) of rule [3745-21-01](#) of the Administrative Code, which is not otherwise exempted under paragraph (A)(1)(ee) or (A)(1)(ff) of this rule, and meets all of the following conditions is eligible to use this permit-by-rule:

(a) Is located in Delaware, Franklin, Licking, Lucas, Mahoning, Stark, Trumbull, and Wood counties.

(b) Has all gasoline storage tanks equipped with submerged fill pipes, as defined in paragraph (H) of rule [3745-21-01](#) of the Administrative Code.

(c) Employs a Stage I vapor balance or vapor control system in accordance with paragraph (R) of rule [3745-21-09](#) of the Administrative Code to control the vapors displaced from the stationary storage tanks during delivery vessel transfer operations, unless exempted from Stage I requirements by one of the provisions of paragraph (R)(4) of rule [3745-21-09](#) of the Administrative Code.

(d) Has a gasoline throughput of less than three million eight hundred thousand gallons per year.

(ii) Applicable emission limitations and/or control requirements

(a) The applicable rules, emission limitations, and control requirements that apply to the facility subject to this permit-by-rule are defined in the following table:

Applicable Rule(s)	Applicable Emission Limitations/Control Requirements
Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code	OC emissions from the facility shall not exceed twenty-five tons per year. The facility shall employ submerged fill pipes on all gasoline storage tanks. The requirements of this rule also include compliance with the requirements of paragraph (R) of rule 3745-21-09 of the Administrative Code.
Paragraph (R) of rule 3745-21-09 of the Administrative Code	The control efficiency of the vapor balance or vapor control system shall be at least ninety per cent by weight for VOCs.

(iii) Operational restrictions

The facility shall comply with the following operational restrictions for the Stage I vapor control system:

(a) The vapor balance system shall be kept in good working order and shall be used at all times during the transfer of gasoline.

(b) There shall be no leaks in the delivery vessel pressure/vacuum relief valves and hatch covers.

(c) There shall be no leaks in the vapor lines or liquid lines during the transfer of gasoline.

(d) The transfer of gasoline from a delivery vessel to a stationary storage tank shall be conducted by use of submerged fill into the storage tank. The submerged fill pipe(s) are to be installed so they are within six inches of the bottom of the storage tank.

(e) All fill caps shall be in place and clamped during normal storage conditions.

(f) The owner or operator of the facility shall repair within fifteen days any leak from the vapor balance system or vapor control system which is employed to meet the requirements of paragraph (R)(1) of rule [3745-21-09](#) of the Administrative Code when such leak is equal to or greater than one hundred per cent of the lower explosive limit as propane, as determined under paragraph (K) of rule [3745-21-10](#) of the Administrative Code.

(iv) Monitoring and/or recordkeeping requirements

(a) The owner or operator of the facility shall maintain records of the results of any leak checks, including, at a minimum, the following information:

(i) Date of inspection.

(ii) Findings (may indicate no leaks discovered or location, nature, and severity of each leak).

(iii) Leak determination method.

(iv) Corrective action (date each leak repaired and reasons for any repair interval in excess of fifteen calendar days).

(v) Inspector's name and signature.

(b) The owner or operator of the facility shall maintain records of the annual gasoline and diesel/kerosene/used oil (if applicable) throughput for the facility.

(v) Permit-by-rule specific reporting requirements

(a) Any leak from the vapor balance system or vapor control system that is not repaired within fifteen days after identification shall be reported to the appropriate Ohio

environmental protection agency district office or local air agency within thirty days after the repair is completed.

(b) Any owner or operator of a facility which is claiming an exemption from the Stage I vapor control requirements pursuant to paragraph (R)(4) of rule [3745-21-09](#) of the Administrative Code is exempt from paragraphs (A)(4)(h)(ii) to (A)(4)(h)(iv) of this rule but shall comply with the following requirements:

(i) The owner or operator shall maintain records of the quantity of gasoline delivered to the facility during each month, and shall retain these records for a period of three years.

(ii) The owner or operator shall notify the applicable Ohio environmental protection agency district office or local air agency if the gasoline throughput for any rolling twelve-month period is equal to or greater than one hundred twenty thousand gallons within forty-five days after the exceedance occurs.

(vi) Testing requirements

(a) Compliance with the annual OC emission limitation is based on multiplying the maximum annual gasoline throughput specified in this permit-by-rule (three million eight hundred thousand gallons) by an emission factor of thirteen pounds of OCs per one thousand gallons of gasoline and dividing by two thousand pounds per ton. The OC emissions from all diesel, kerosene, and used oil tank filling and dispensing operations, if present at the facility, are assumed to be negligible.

(i) Gasoline dispensing facility with Stage I and Stage II controls permit-by-rule

(i) Qualifications

A gasoline dispensing facility, as defined by paragraph (H) of rule [3745-21-01](#) of the Administrative Code, which is not otherwise exempted under paragraph (A)(1)(ee) or (A)(1)(ff) of this rule, and meets all of the following conditions is eligible to use this permit-by-rule:

(a) Is located in Ashtabula, Butler, Clark, Clermont, Cuyahoga, Geauga, Greene, Hamilton, Lake, Lorain, Medina, Miami, Montgomery, Portage, Summit, and Warren counties.

(b) Employs storage tanks equipped with submerged fill pipes, as defined by paragraph (H) of rule [3745-21-01](#) of the Administrative Code.

(c) Employs a Stage I vapor balance or vapor control system in accordance with paragraph (R) of rule [3745-21-09](#) of the Administrative Code, unless exempted from Stage I requirements pursuant to paragraph (R)(4) of rule [3745-21-09](#) of the Administrative Code.

(d) Employs a CARB certified Stage II vapor control system, as defined by paragraph (H) of rule [3745-21-01](#) of the Administrative Code, and in accordance with paragraph (DDD) of rule [3745-21-09](#) of the Administrative Code, unless exempted from Stage II requirements by one of the provisions of paragraph (DDD)(4) of rule [3745-21-09](#) of the Administrative Code.

[Comment: The meaning of CARB certified and CARB certification used throughout this permit-by-rule shall be consistent with the definition specified by paragraph (H) of rule [3745-21-01](#) of the Administrative Code.]

(e) Has a gasoline throughput of less than sixteen million gallons per year.

(ii) Applicable emission limitations and/or control requirements

(a) The applicable rules, emission limitations, and control requirements that apply to the facility subject to this permit-by-rule are defined in the following table:

Applicable Rule(s)	Applicable Emission Limitations/Control Requirements
Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code	OC emissions from the facility shall not exceed twenty-five tons per year. The facility shall employ submerged fill pipes on all storage tanks. The requirements of this rule also include compliance with the requirements of paragraphs (R) and (DDD) of rule 3745-21-09 of the Administrative Code.
Paragraph (R) of rule 3745-21-09 of the Administrative Code	The control efficiency of the Stage I vapor balance or vapor control system shall be at least ninety per cent by weight for VOCs.
Paragraph (DDD) of rule 3745-21-09 of the Administrative Code	The control efficiency of the Stage II vapor control system shall be at least ninety-five per cent by weight for VOCs.

(iii) Operational restrictions

(a) The owner or operator shall comply with the following operational restrictions for the Stage I vapor control system:

(i) The vapor balance system shall be kept in good working order and shall be used at all times during the transfer of gasoline.

(ii) There shall be no leaks in the delivery vessel pressure/vacuum relief valves and hatch covers.

(iii) There shall be no leaks in the vapor lines or liquid lines during the transfer of gasoline.

(iv) The transfer of gasoline from a delivery vessel to a stationary storage tank shall be conducted by use of submerged fill into the storage tank. The submerged fill pipe(s) are to be installed so they are within six inches of the bottom of the storage tank.

(v) All fill caps shall be in place and clamped during normal storage conditions.

(vi) The owner or operator of the facility shall repair within fifteen days any leak from the vapor balance system or vapor control system which is employed to meet the requirements of paragraph (R)(1) of rule [3745-21-09](#) of the Administrative Code when such leak is equal to or greater than one hundred per cent of the lower explosive limit as propane, as determined under paragraph (K) of rule [3745-21-10](#) of the Administrative Code.

(b) The owner or operator shall install, operate and maintain the Stage II vapor control system in accordance with the manufacturer's specifications, the applicable CARB certification, and all requirements of paragraph (DDD)(1) of rule [3745-21-09](#) of the Administrative Code.

(iv) Monitoring and/or recordkeeping requirements

(a) The owner or operator shall maintain records of the results of any leak checks, including, at a minimum, the following information:

(i) Date of inspection.

(ii) Findings (may indicate no leaks discovered or location, nature, and severity of each leak).

(iii) Leak determination method.

(iv) Corrective action (date each leak repaired and reasons for any repair interval in excess of fifteen calendar days).

(v) Inspector's name and signature.

(b) The owner or operator shall maintain records as specified by paragraph (DDD)(3) of rule [3745-21-09](#) of the Administrative Code and any records required by the applicable CARB certification. The owner or operator does not need to maintain copies of the most recent permit-to-operate and permit-to-operate application, as required by paragraph (DDD)(3)(a) of rule [3745-21-09](#) of the Administrative Code if electing to operate under this permit-by-rule.

(c) The owner or operator of the facility shall maintain records of the annual gasoline and diesel/kerosene/used oil (if applicable) throughput for the facility.

(v) Permit-by-rule specific reporting requirements

(a) Any owner or operator who is claiming an exemption for a facility from the Stage I or Stage II vapor control requirements pursuant to paragraph (R)(4) or (DDD)(4) of rule [3745-21-09](#) of the Administrative Code shall notify the appropriate Ohio environmental protection agency district office or local air agency using the written notification procedures described in paragraph (A)(4)(a) of this rule to describe the nature of the exemption.

(b) Any leak from the vapor balance system or vapor control system that is not repaired within fifteen days after identification shall be reported to the appropriate Ohio environmental protection agency district office or local air agency within thirty days after the repair is completed.

(c) A comprehensive written report on the results of any tests performed in accordance with the testing requirements of paragraph (A)(4)(h)(vi) of this rule shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency within thirty days following the completion of the tests.

(vi) Testing requirements

(a) Within sixty days after the installation or modification of a Stage II vapor control system, the owner or operator shall perform the tests specified by paragraph (DDD)(2) of rule [3745-21-09](#) of the Administrative Code.

At intervals not to exceed five years, the owner or operator of the facility shall repeat and demonstrate compliance with the static leak test requirements contained in Appendix A to rule [3745-21-10](#) of the Administrative Code (unless a greater frequency is specified in the applicable CARB certification), and the dynamic pressure performance test requirements contained in Appendix B to rule [3745-21-10](#) of the Administrative Code (unless the dynamic pressure performance test is not applicable to the specific Stage II vapor control system, as specified in the applicable CARB certification).

Not later than thirty days prior to any required tests, the owner or operator of the facility shall submit a test notification to the appropriate Ohio environmental protection agency district office or local air agency. The test notification shall describe the proposed test methods and procedures, the time and the date of the tests, and the person who will be conducting the tests. Failure to submit such notification prior to the tests may result in the Ohio environmental protection agency's refusal to accept the results of the tests. Personnel from the appropriate Ohio environmental protection agency district office or local air agency shall be permitted to witness the tests, examine the testing equipment, and acquire data and information during the tests. After completion of any tests, the facility shall

complete and retain on site a copy of the post test inspection form contained in appendix C to rule [3745-21-10](#) of the Administrative Code.

(b) The owner or operator of the gasoline dispensing facility shall perform and comply with any vapor control system tests (i.e., static leak tests, air-to-liquid ratio, etc.) specified in the applicable CARB certification for the vapor control system installed. The tests shall be performed at the frequency specified in the CARB certification. If the applicable CARB certification for the vapor recovery system does not include such testing requirements, the owner or operator shall, at a minimum, comply with the static leak and dynamic pressure test requirements at intervals specified in paragraph (DDD)(2) of rule [3745-21-09](#) of the Administrative Code.

(c) Compliance with the annual OC emission limitation is based on multiplying the maximum annual gasoline throughput specified in this permit-by-rule (sixteen million gallons) by an emission factor of 3.1 pounds of OCs per thousand gallons of gasoline and dividing by two thousand pounds per ton. The OC emissions from all diesel, kerosene, and used oil tank filling and dispensing operations, if present at the facility, are assumed to be negligible.

(vii) Miscellaneous requirements

(a) All Stage II vapor control systems employed at facilities operating under this permit-by-rule, including all associated underground and above ground plumbing, shall be installed, tested, operated, and maintained in accordance with the applicable CARB certification. Copies of CARB certification documents, including executive orders, approval letters, equipment advisories, and equivalent test procedures are available from the appropriate Ohio environmental protection agency district office or local air agency upon request.

(j) Boiler and heater permit-by-rule

(i) Qualifications

Boilers, preheaters, air heaters, water heaters, or heaters used for other heat exchange media that meet all of the following qualifications are eligible to use this permit-by-rule:

[Comment: Air contaminant sources which meet the definition of process heater as specified in 40 CFR Part 60, Subpart Dc are not eligible to use this permit-by-rule.]

(a) The maximum rated heat input capacity of the air contaminant source is greater than ten million British thermal units per hour and less than or equal to one hundred million British thermal units per hour.

(b) The air contaminant source is capable of burning only natural gas.

(c) The emissions from the air contaminant source consist entirely of the products of fuel combustion.

(d) Air contaminant sources with a maximum rated heat input capacity of greater than fifty million British thermal units per hour shall be equipped with low-NO<sub>x</sub> burners or other combustion control techniques designed to meet an emission limitation of not greater than 0.050 pound of nitrogen oxides per million British thermal units of heat input.

(ii) Applicable emission limitations and/or control requirements

(a) The applicable rules, emission limitations, and control requirements that apply to each air contaminant source subject to this permit-by-rule are defined in the following table:

Applicable Rule(s)	Applicable Emission Limitations/Control Requirements
Paragraph (A) of rule 3745-17-07 of the Administrative Code	The visible particulate matter emission limitations specified by this rule are less stringent than the visible particulate matter emission limitation established pursuant to paragraph (A)(3) of rule 3745-31-05 of the Administrative Code.
Paragraph (B) of rule 3745-17-10 of the Administrative Code	Particulate matter emissions shall not exceed 0.020 pound per million British thermal units of actual heat input.
Paragraph (B) of rule 3745-23-06 of the Administrative Code	Units meeting the permit-by-rule qualification criteria satisfy the latest available control techniques and operating practices pursuant to the rule.
Paragraph (A) of rule 3745-18-06 of the	Air contaminant sources are exempt from

Administrative Code	this rule when natural gas is the only fuel burned.
Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code	Particulate matter emissions shall not exceed 8.76 tons per year. Nitrogen oxides emissions shall not exceed 5.0 pounds per hour and 21.90 tons per year. Carbon monoxide emissions shall not exceed 8.24 pounds per hour and 36.07 tons per year. OC emissions shall not exceed 1.08 pounds per hour and 4.72 tons per year. Sulfur dioxide emissions shall not exceed 0.06 pound per hour and 0.26 ton per year. Visible particulate matter emissions shall not exceed five per cent opacity, as a six-minute average. The requirements of this rule also include compliance with the requirements of rule 3745-18-06, rule 3745-23-06, and paragraph (B) of rule 3745-17-10 of the Administrative Code.
40 CFR Part 60, Subpart Dc	This regulation does not specify emission limitations for air contaminant sources that only fire natural gas.

(iii) Monitoring and/or recordkeeping requirements



(a) The owner or operator shall maintain, at the location of the air contaminant source, documentation showing the maximum rated heat input capacity of the air contaminant source(s) and evidence that the air contaminant source(s) can only fire natural gas.

(b) The owner or operator shall maintain monthly records of the total amount of natural gas fired for the air contaminant source(s).

(iv) Permit-by-rule specific reporting requirements

(a) For air contaminant sources installed after July 29, 2005, the owner or operator electing to use this permit-by-rule shall report the following, in accordance with 40 CFR Part 60, Subpart Dc, to the appropriate Ohio environmental protection agency district office or local air agency at the appropriate times:

(i) Construction date (no later than thirty days after such date).

(ii) Actual start-up date (within fifteen days after such date).

(iii) Date of performance testing (if required, at least thirty days prior to testing).

(iv) The maximum rated heat input capacity of the air contaminant source(s) and the type of fuel(s) fired (no later than thirty days after installation date).

(v) Testing requirements

(a) Compliance with the hourly emission limitations is based on multiplying the maximum hourly gas firing capacity of the air contaminant source (in million cubic feet per hour) by the emission factor specified by the United States Environmental Protection Agency in Section 1.4 of the "Compilation of Air Pollutant Emission Factors (AP-42)", (in pounds per million cubic feet fired) for each pollutant. Compliance with the pounds per million British thermal units particulate emission limitation is based on dividing the filterable particulate emission factor specified by the United States Environmental Protection Agency in Section 1.4 of the "Compilation of Air Pollutant Emission Factors (AP-42)" by one thousand twenty. If required by the Ohio environmental protection agency, the owner or operator shall demonstrate compliance with the pounds per million British thermal units and hourly emission limitations of this permit-by-rule in accordance with the appropriate test methods specified in 40 CFR Part 60, Appendix A.

(b) Compliance with the annual emission limitations shall be assumed as long as compliance with the pound per million British thermal units and hourly emission limitations are maintained. These annual emission limitations represent the emissions calculated at the maximum capacity of the equipment and eight thousand seven hundred sixty hours per year of operation.

(c) If required by the Ohio environmental protection agency, compliance with the visible particulate emission limitations shall be demonstrated in accordance with USEPA Method 9 of 40 CFR Part 60, Appendix A.

(k) Small printing facility permit-by-rule

(i) Qualifications

A printing facility that meets the following qualifications is eligible to use this permit-by-rule:

(a) The facility has one or more printing lines which utilize only the screen, digital, flexographic, letterpress, non-heatset lithographic, or heatset lithographic printing processes, and which do not utilize add-on emission control equipment.

(b) The facility emits no more than the following tons of VOCs as demonstrated by either calculating actual facility-wide emissions, using methods approved by the Ohio

environmental protection agency, or by electing to comply with the material usage limitations specified in paragraph (A)(4)(k)(i)(d) of this rule:

- (i)* No more than ten tons of VOCs per calendar year from all printing processes; and
- (ii)* For a facility in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties; less than 3.0 tons of VOCs from all letterpress and lithographic printing processes (including emissions from cleaning solutions used on lithographic and/or letterpress printing lines and fountain solutions) per rolling twelve-month period.
- (c)* The facility emits no more than five tons of a single HAP and ten tons of combined HAPs in any calendar year as demonstrated by either calculating actual facility-wide emissions, using methods approved by the Ohio environmental protection agency, or by electing to comply with the material usage limitations specified in paragraph (A)(4)(k)(i)(d) of this rule.
- (d)* In lieu of calculating emissions to demonstrate compliance with the annual facility emission limitations specified in paragraphs (A)(4)(k)(i)(b) and (A)(4)(k)(i)(c) of this rule, the owner or operator may elect to qualify the facility for this permit-by-rule by meeting the following material usage limitations for all materials employed at the facility:
  - (i)* Uses no more than one thousand three hundred thirty-three gallons of materials containing the same single HAP and no more than two thousand six hundred sixty-seven gallons of materials containing any HAPs in any calendar year.
  - (ii)* Operates only heatset offset lithographic printing lines and uses no more than twenty thousand pounds in any calendar year, except when the facility is located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties, then five thousand four hundred pounds per rolling twelve-month period, of ink, cleaning solvent, and fountain solution additives combined; or
  - (iii)* Operates only non-heatset offset lithographic printing lines and uses no more than two thousand eight hundred fifty gallons in any calendar year, except when the facility is located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties, then seven hundred sixty-eight gallons per rolling twelve-month period, of cleaning solvent, and fountain solution additives combined; or
  - (iv)* Operates only digital printing lines and uses no more than two thousand four hundred twenty-five gallons in any calendar year of solvent from inks and clean-up solutions and other solvent-containing materials combined; or
  - (v)* Operates only screen printing lines and uses no more than two thousand eight hundred fifty gallons in any calendar year of solvent from inks and clean-up solutions and other solvent-containing materials combined; or
  - (vi)* Operates only letterpress printing lines and uses no more than two thousand eight hundred fifty gallons in any calendar year, except when the facility is located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties, then no more than seven hundred sixty-eight gallons per rolling twelve-month period, of solvent from inks and clean-up solutions and other solvent-containing materials combined; or
  - (vii)* Operates only water-based or ultraviolet (UV)-cured material flexographic printing lines and uses no more than eighty thousand pounds in any calendar year of water-based inks, coatings, and adhesives, combined; or
  - (viii)* Operates only solvent based material flexographic printing lines and uses no more than twenty thousand pounds in any calendar year of solvent from inks, dilution solvents, coatings, cleaning solutions and adhesives, combined; or

(ix) Operates any combination of screen, digital, flexographic, letterpress, non-heatset lithographic, or heatset lithographic printing lines and the facility uses no more than the most stringent of the material usage limitations contained in paragraphs (A)(4)(k)(ii) to (A)(4)(k)(viii) of this rule for the type of air contaminant source(s) at the facility.

(ii) Applicable emission limitations and/or control requirements

(a) The applicable rules, emission limitations, and control requirements that apply to the facility subject to this permit-by-rule are defined in the following table:

Applicable Rule(s)	Applicable Emission Limitations/Control Requirements
Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code	Facility emissions shall not exceed ten tons of VOC, five tons of a single HAP and ten tons of combined HAPs for any calendar

	<u>year, except for facilities located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties, where total VOC emissions from all lithographic and/or letterpress printing operations shall not equal or exceed 3.0 tons per rolling twelve-month period.</u>
Paragraph (Y)(2)(b) of rule 3745-21-09 of the Administrative Code (flexographic presses only)	Exempt from the requirements of paragraph (Y)(1) of rule 3745-21-09 of the Administrative Code since the qualifying criteria ensure that the combined maximum usage of coatings and inks in all presses at the facility is less than one hundred forty-eight tons per year.
<u>Paragraph (A)(3) of rule 3745-21-22 of the Administrative Code (letterpress and lithographic printing lines located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties only)</u>	<u>Exempt from the requirements of rule 3745-21-22 of the Administrative Code since the qualifying criteria ensure that the actual VOC emissions from all letterpress and lithographic printing operations at the facility are less than 3.0 tons per rolling twelve-month period.</u>

(iii) Monitoring and/or recordkeeping requirements

(a) The owner or operator of the printing facility shall maintain annual records at the facility that list the following information for each graphic arts material (ink, fountain solution additives, clean-up solvents, etc.) employed in the facility during each calendar year. In addition, the records required under paragraphs (A)(4)(k)(iii)(a)(i) to (A)(4)(k)(iii)(a)(iii) of this rule shall be maintained on a monthly basis for lithographic and/or letterpress printing lines located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties.

- (i)* The name and identification number of each material employed.
  - (ii)* The quantity of each material employed, in gallons or pounds.
  - (iii)* The OC content of each material, in pounds per gallon, or per cent, by weight.
  - (iv)* The individual HAP content for each HAP-containing material, in pounds of individual HAP per gallon of material.
  - (v)* The total combined HAP content of each material, in pounds of total HAP per gallon of material.
  - (vi)* For lithographic and/or letterpress printing lines located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties, a twelve-month rolling summation, for all other lines and counties, an annual (calendar year) summation of usage in gallons, or pounds, of each graphic arts material if the facility elects to demonstrate compliance with the material usage limitations specified in paragraph (A)(4)(k)(i)(d) of this rule; or
  - (vii)* For lithographic and/or letterpress printing lines located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties, a twelve-month rolling summation, for all other lines and counties, an annual (calendar year) summation of total facility emissions of VOC, individual HAP, and combined HAP from all graphic arts materials employed if the facility elects to calculate actual emissions to demonstrate compliance with the emission limitations specified in paragraphs (A)(4)(k)(i)(b) and (A)(4)(k)(i)(c) of this rule.
- (iv)* Permit-by-rule specific reporting requirements
- (a)* If a small printing facility electing to operate under this permit-by-rule should elect to operate under the permit-by-rule provisions for a mid-size printing facility specified by paragraph (A)(4)(l) of this rule, the owner or operator of such facility shall comply with the notification requirements of paragraph (A)(4)(a)(ii) of this rule prior to operating under the permit-by-rule provisions for mid-size printing facilities.
- (v)* Testing Requirements
- (a)* Compliance with the annual material usage limitations shall be based upon the recordkeeping requirements specified in paragraph (A)(4)(k)(iii)(a) of this rule.
  - (b)* For screen, letterpress, and non-heatset lithographic printing, compliance with the annual VOC emission limitation is based on the annual material usage limitations, in gallons, multiplied by a maximum VOC content of 7.0 pounds per gallon, and divided by two thousand pounds per ton. For digital printing, compliance with the annual VOC emission limitation is based on the annual material usage limitations, in gallons, multiplied by a maximum VOC content of 7.5 pounds per gallon, and divided by two thousand pounds per ton. For water-based or ultraviolet (UV)-cured flexographic printing, compliance with the annual VOC emission limitation is based on the annual material usage limitation, in pounds, multiplied by an assumed maximum VOC content of twenty-five per cent, and divided by two thousand pounds per ton. For solvent-based flexographic printing and heatset lithographic printing, compliance with the annual VOC emission limitation is based on the annual material usage limitation, in pounds, multiplied by an assumed maximum VOC content of one hundred per cent, and divided by two thousand pounds per ton. For all printing types, compliance with the annual HAP emission limitations is based on the annual material usage limitations specified in paragraph (A)(4)(k)(i)(c)(i) of this rule, in gallons, multiplied by a maximum HAP content of 7.5 pounds per gallon, and divided by two thousand pounds per ton.

(c) An owner or operator of the facility electing to demonstrate compliance with the annual (calendar year) or rolling twelve-month summation VOC, annual (calendar year) HAP, and combined annual (calendar year) HAP emission limitations by calculating the actual facility emissions may use the actual material VOC contents and usage rates from records required by paragraph (A)(4)(k)(iii) of this rule. The calculations shall be performed using methods approved by the Ohio environmental protection agency.

(l) Mid-size printing facility permit-by-rule

(i) Qualifications

A printing facility that meets the following qualifications is eligible to use this permit-by-rule:

(a) The facility has one or more printing lines which utilize only the screen, digital, flexographic, letterpress, non-heatset lithographic, or heatset lithographic printing processes, and which do not utilize add-on emission control equipment.

(b) The facility emits no more than twenty-five tons of VOCs, five tons of a single HAP and 12.5 tons of combined HAPs in any rolling, twelve-month period as demonstrated by either calculating actual facility-wide emissions, using methods approved by the Ohio environmental protection agency, or by electing to comply with the material usage limitations specified in paragraph (A)(4)(l)(i)(c) of this rule.

(c) In lieu of calculating emissions to demonstrate compliance with the facility emission limitations specified in paragraph (A)(4)(l)(i)(b) of this rule, the facility may elect to qualify for this permit-by-rule by meeting the following material usage limitations for all materials employed at the facility in any rolling, twelve-month period:

(i) Uses no more than one thousand three hundred thirty-three gallons of materials containing the same single HAP and no more than three thousand three hundred thirty-three gallons of materials containing any HAPs.

(ii) Operates only heatset offset lithographic printing lines and uses no more than fifty thousand pounds of ink, cleaning solvent, and fountain solution additives combined; or

(iii) Operates only non-heatset offset lithographic printing lines and uses no more than seven thousand one hundred gallons of cleaning solvent and fountain solution additives combined; or

(iv) Operates only digital printing lines and uses no more than six thousand gallons of solvent from inks and clean-up solutions and other solvent containing materials combined; or

(v) Operates only screen or letterpress printing lines and uses no more than seven thousand one hundred gallons of solvent from inks and clean-up solutions and other solvent containing materials combined; or

(vi) Operates only water-based or ultraviolet (UV)-cured material flexographic printing lines and uses no more than two hundred thousand pounds of water-based inks, coatings, and adhesives, combined; or

(vii) Operates only solvent based material flexographic printing lines and uses no more than fifty thousand pounds of solvent from inks, dilution solvents, coatings, clean-up solutions and adhesives, combined; or

(viii) Operates any combination of screen, digital, flexographic, letterpress, non-heatset lithographic, or heatset lithographic printing processes and the facility uses no more than

the most stringent of the material usage limits contained in paragraphs (A)(4)(l)(iii) to (A)(4)(l)(viii) of this rule for the type of air contaminant source(s) at the facility.

(d) The facility employs cleanup solutions which meet all of the following standards:

(i) Cleanup solutions either shall not exceed thirty per cent VOC, by weight, as applied, or shall have a VOC composite partial pressure of ten millimeters of mercury (mmHg) or less at twenty degrees Celsius (sixty-eight degrees Fahrenheit).

(ii) Cleanup solutions shall be kept in covered containers during transport and storage.

(iii) Shop towels contaminated with cleanup solution shall be kept, when not in use, in covered containers.

(iv) The use of cleanup solutions not meeting the condition in paragraph (A)(4)(l)(i)(d)(i) of this rule shall not exceed a combined total of one hundred ten gallons in any rolling, twelve-month period.

(ii) Applicable emission limitations and/or control requirements

(a) The applicable rules, emission limitations, and control requirements that apply to the facility subject to this permit-by-rule are defined in the following table:

<b>Applicable Rule(s)</b>	<b>Applicable Emission Limitations/Control Requirements</b>
Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code	Facility emissions shall not exceed twenty-five tons of VOC, five tons of a single HAP and 12.5 tons of combined HAPs for any rolling, twelve-month period.
Paragraph (Y)(2)(b) of rule 3745-21-09 of the Administrative Code (flexographic presses only)	Exempt from the requirements of paragraph (Y)(1) of rule 3745-21-09 of the Administrative Code since the qualifying

	criteria ensure that the combined maximum usage of coatings and inks in all presses at the facility is less than one hundred forty-eight tons per year.
<u>Rule 3745-21-22 of the Administrative Code</u>	<u>The provisions of this rule are only applicable to letterpress and lithographic printing processes located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties where total actual VOC emissions from all lithographic and/or letterpress printing operations (including emissions from cleaning solutions used on lithographic and/or letterpress printing lines and fountain solutions) are equal to or greater than 3.0 tons of VOCs per rolling twelve-month period. The compliance date for lithographic and/or letterpress printing processes subject to rule 3745-21-22 of the Administrative Code that commenced installation before April 2, 2009 is April 10, 2010. The compliance date for all other lithographic and/or letterpress printing processes is the initial startup date of the line.</u>

(iii) Monitoring and/or recordkeeping requirements

(a) The owner or operator of the printing facility shall maintain monthly records at the facility that list the following information for each graphic arts material (ink, fountain solution additives, cleanup solvents, etc.) employed in the facility:

(i) The name and identification number of each material employed.

(ii) The quantity of each material employed, in gallons or pounds.

(iii) The OC content of each material, in pounds per gallon, or per cent by weight.

(iv) The individual HAP content for each HAP-containing material, in pounds of individual HAP per gallon of material.

(v) The total combined HAP content of each material, in pounds of combined HAP per gallon of material.

(vi) The rolling, twelve-month summation of usage in gallons of each graphic arts material employed if the facility elects to demonstrate compliance with the material usage limitations specified in paragraph (A)(4)(l)(i)(c) of this rule; or

(vii) The rolling, twelve-month summation of total facility emissions of VOC, individual HAP, and combined HAP from all graphic arts materials employed if the facility elects to calculate actual emissions to demonstrate compliance with the emission limitations specified in paragraph (A)(4)(l)(i)(b) of this rule.

(iv) Testing requirements

(a) Compliance with the rolling, twelve-month material usage thresholds and/or emission limitations shall be based upon the recordkeeping requirements specified in paragraph (A)(4)(l)(iii)(a) of this rule.

(b) For screen, letterpress, and non-heatset lithographic printing, compliance with the annual VOC emission limitation is based on the annual material usage limitations, in gallons, multiplied by a maximum VOC content of 7.0 pounds per gallon, and divided by two thousand pounds per ton. For digital printing, compliance with the annual VOC emission limitation is based on the annual material usage limitations, in gallons, multiplied by a maximum VOC content of 7.5 pounds per gallon, and divided by two thousand pounds per ton. For water-based or UV-cured flexographic printing, compliance with the annual VOC emission limitation is based on the annual material usage limitation, in pounds, multiplied by an assumed maximum VOC content of twenty-five per cent, and divided by two thousand pounds per ton. For solvent-based flexographic printing and heatset lithographic printing, compliance with the annual VOC emission limitation is based on the annual material usage limitation, in pounds, multiplied by an assumed maximum VOC content of one hundred per cent, and divided by two thousand pounds per ton. For all printing types, compliance with the annual HAP emission limitations is based on the annual material usage limitations specified in paragraph (A)(4)(l)(i)(c)(i) of this rule, in gallons, multiplied by a maximum HAP content of 7.5 pounds per gallon, and divided by two thousand pounds per ton.

(c) An owner or operator of the facility electing to demonstrate compliance with the annual VOC, HAP, and combined HAP emission limitations by calculating the actual facility emissions may use the actual material VOC contents and usage rates from records required by paragraph (A)(4)(l)(iii) of this rule. The calculations shall be performed using methods approved by the Ohio environmental protection agency.

#### (5) De minimis exemption

Air contaminant sources which meet the requirements of rule [3745-15-05](#) of the Administrative Code and section 3704.011 of the Revised Code are exempt from the requirements of this chapter.

Effective: 6/30/2008

R.C. [119.032](#) review dates: 12/01/2011

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Statutory Authority: 3704.03(F), 3704.03(G)

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## **3745-31-04 Applications.**

(A) Applications for permits-to-install and PTIOs required by rule [3745-31-02](#) of the Administrative Code shall contain such information as the director deems necessary to determine whether the criteria of rule [3745-31-05](#) of the Administrative Code are met and shall be made on forms prepared by the Ohio environmental protection agency.

(B) Applications for permits-to-install and PTIOs shall be signed by the following:

(1) In the case of a corporation, a principal executive officer of at least the level of vice president, or the duly authorized representative, if such representative is responsible for the overall operation of the facility .

(2) In the case of a partnership, a general partner.

(3) In the case of sole proprietorship, the proprietor.

(4) In the case of a municipal, state, federal or other governmental facility, the principal executive officer, the ranking elected official, or other duly authorized employee.

(C) The signatures shall constitute personal affirmation that all statements or assertions of fact made in the application are true and complete, comply fully with applicable state requirements, and shall subject the signatory to liability under applicable state laws forbidding false or misleading statements.

(D) PTIO applications for grain and feed processing operations and fertilizer mixing operations.

(1) A single PTIO application may be submitted for the following sources:

(a) Shellers, hammer mills and aspirated bagging operations and other air contaminant sources subject to rule [3745-17-11](#) of the Administrative Code and which are located at a stationary source which constitutes a grain and feed processing operation.

(b) Air contaminant sources which are subject to rule [3745-17-11](#) of the Administrative Code and which are located at a stationary source which constitutes a fertilizer mixing operation.

(2) A PTIO application for air contaminant sources of fugitive dust at grain and feed processing operations or a fertilizer mixing operation and which are subject to rule [3745-17-08](#) of the Administrative Code shall be submitted in accordance with applicable law.

Effective: 05/29/2014

R.C. [119.032](#) review dates: 01/10/2014 and 05/29/2019

Promulgated Under: [119.03](#)

Statutory Authority: [3704.03\(F\)](#), [3704.03\(G\)](#)

Rule Amplifies: [3704.03\(G\)](#), [3704.03\(F\)](#), [3704.03\(A\)](#)

Prior Effective Dates: 1/1/74, 12/5/80, 8/15/82, 9/18/87, 10/31/96, 10/17/03, 11/3/06, 12/1/06, 6/30/08

### **3745-31-05 Criteria for decision by the director.**

(A) The director shall issue a permit to install or plan approval, on the basis of the information appearing in the application, or information gathered by or furnished to the Ohio environmental protection agency, or both, if he determines that the installation or modification and operation of the air contaminant source, solid waste disposal facility, infectious waste treatment facility, water pollution source, disposal system, land application of sludge, or public water system will:

(1) Not prevent or interfere with the attainment or maintenance of applicable ambient water quality standards or ambient air quality standards; and

(2) Not result in a violation of any applicable laws, including but not limited to:

(a) Effluent standards adopted by the director or the administrator of the United States Environmental Protection Agency;

(b) Emission standards adopted by the Ohio EPA;

(c) Federal standards of performance for new stationary sources adopted by the administrator of the United States Environmental Protection Agency pursuant to section 111 of the Clean Air Act and the regulations promulgated thereunder;

(d) Requirements pertaining to installation of major stationary sources or major modifications in attainment and nonattainment areas as contained in rule 3745-31-10 to 3745-31-27 of the Administrative Code.

(e) "National Emission Standards for Hazardous Air Pollutants" adopted by the administrator of the United States Environmental Protection Agency pursuant to section 112 of the Clean Air Act and the regulations promulgated thereunder (including 40 CFR Part 61 and 40 CFR Part 63);

(3) Employ the best available technology, except when the only requirement to obtain a permit to install is due to a modification as described in paragraph (VV)(1)(b) of rule 3745-31-01 and paragraph (A)(2) of rule 3745-31-02 of the Administrative Code.

(B) In determining whether to grant or deny a change in the authorized maximum daily waste receipt for a solid waste disposal facility, the director shall require the owner or operator to demonstrate that the solid waste disposal facility can operate in compliance with all applicable solid waste regulations while receiving the requested maximum daily waste receipt. An adequate demonstration includes, but is not limited to, an explanation of the overall site design including construction timeframes and fill sequences for the solid waste disposal facility; operational criteria such as the solid waste disposal facility's equipment availability, cover availability and manpower; and if applicable, the owner's previous compliance history throughout the life of the solid waste disposal facility and the daily logs for the period that the solid waste disposal facility was out of compliance.

(C) In deciding whether to grant or deny a permit to install or plan approval, the director may take into consideration the social and economic impact of the air contaminants, water pollutants, or other

adverse environmental impact that may be a consequence of issuance of the permit to install or plan approval.

(D) The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality. Special terms and conditions necessary to ensure compliance with requirements mandated by the federal Clean Air Act or regulations promulgated by the administrator thereunder, including synthetic minor emissions unit conditions that restrict the stationary source's potential to emit below major size cutoffs, shall be federally enforceable and designated as such in the permit to install. The director may impose terms and conditions necessary to ensure compliance with any provisions of the statutes or regulations of the state of Ohio that are not mandated by the federal Clean Air Act or regulations adopted by the administrator thereunder, but such terms and conditions shall be enforceable as state law only, and shall be designated as such in the permit to install.

(E) An applicant whose air contaminant source(s) meets the following criteria may request in writing that the air contaminant source(s) be placed on permit to install registration status. In order to be considered for registration status, the air contaminant source owner or operator must:

- (1) Submit a complete permit to install application,
- (2) Demonstrate compliance with all applicable law including the employment of best available technology,
- (3) Have maximum uncontrolled emissions as defined in paragraph (UU) of rule 3745-31-01 of the Administrative Code of less than five tons per each year for particulate matter, sulfur dioxide, nitrogen oxides, and organic compounds,
- (4) Not be subject to the U.S. EPA new source performance standards, and
- (5) Not be subject to the national emission standards for hazardous air pollutants or a U.S. EPA promulgated standard for hazardous air pollutants.

Within sixty days of the receipt of a complete request, the director shall notify the applicant whether the air contaminant source will be accepted for permit to install registration status. Installation or construction of the air contaminant source may commence after sixty days if the applicant has not been notified or upon the issuance of the registration status.

The issuance of a permit to install registration status does not relieve the applicant from compliance with any applicable air pollution control requirement (including the requirement to apply for a permit to operate) and is at the discretion of the director.

(F) In determining whether the director issues a site approval for a portable source, the applicant must demonstrate that the following criteria have been met:

- (1) The portable source owner or operator possesses an Ohio EPA permit to install, permit to operate or registration status.

- (2) The portable source is equipped with best available technology.
- (3) The portable source owner has identified the proposed site to Ohio EPA.
- (4) Ohio EPA has determined that the portable source, at the proposed site, will have an acceptable environmental impact.
- (5) A public notice, consistent with Chapter 3745-47 of the Administrative Code, is published in the county where the proposed site is located.
- (6) The owner of the proposed site has provided the portable source owner with approval or equivalent declaration that it is acceptable to the site owner to move the portable source to this proposed site.
- (7) The portable source owner has provided Ohio EPA with fifteen days written notice of the relocation.

Any site approvals issued by Ohio EPA shall be valid for no longer than three years and are subject to renewal.

- (G) The director may modify the site approval to add or delete certain portable sources or add or delete certain terms and conditions as appropriate.
- (H) Within one hundred eighty days after a completed application is filed, the director shall issue or propose to issue or deny a permit to install, a permit to install registration notice, or plan approval, and such action shall be in accordance with Chapter 3745-47 of the Administrative Code.
- (I) (1) The director may enter into an agreement with a political subdivision that owns or operates a disposal system and that intends to extend its sewerage system, which agreement authorizes a qualified official, position or employee of the political subdivision, as determined by the director, to review permit to install applications and plans for the extension of the sewerage system.
  - (2) Under such agreement, the qualified official, position or employee of the political subdivision may be authorized to review permit to install applications and plans for sewerage system extensions or replacements of gravity sewer lines less than or equal to eighteen inches in diameter and force mains and pump stations with maximum design flows of less than or equal to 2.0 MGD. At a minimum, said qualified person shall be a registered professional engineer licensed to practice engineering in the state of Ohio.
  - (3) In performing the review of the permit to install application and plans as specified by the agreement, the qualified official or employee of the political subdivision shall at a minimum review the permit to install application and plans for conformance with all criteria, policies, procedures, and rules of the agency which pertain to the project.
  - (4) Under such agreement, the director shall outline the various terms of the authorized review.

These terms may include geographical boundaries where review may occur, criteria for review, timeframes, qualified official responsible for performing review and any other requirements deemed necessary by the director.

(5) Under such agreement, the fees calculated in accordance with division (C) of section 3745.11 of the Revised Code and a copy of the actual permit to install application shall be immediately forwarded to the Ohio EPA upon receipt by the political subdivision covered under an agreement under this rule.

(6) Pursuant to an agreement under this rule and upon submission to the director of:

(a) A recommendation to the director to grant or deny the permit and approve or disapprove the plans;

(b) A certification signed by the qualified official that the permit to install application and plans meet or fail to meet requirements of all criteria, policies, procedures, and rules utilized by the agency for such review;

(c) For approvals or denials, a prepared permit to install or denial package in standard agency format, complete except for issuance and effective dates, and the director's signature;

(d) The reviewed permit to install application and plans.

The director shall issue the appropriate action based upon the recommendation of the certification signed by the qualified official.

(7) If, in the event that a project reviewed under such an agreement is appealed to the environmental review appeals commission or an agency hearing examiner, the political subdivision responsible for review shall provide necessary technical support to the director.

(8) The director may periodically audit the review performed by the political subdivision under any agreement and may terminate the agreement for poor quality review, failure to follow agency criteria, policies, procedures, and rules, or the loss of the qualified official, position or employee.

(9) The term of any agreement under this rule may be for a period of up to five years. At that time, the director and the political subdivision may renew such agreement.

(10) These rules in no way supersede any other rules or statute adopted under Chapter 6111. of the Revised Code.

Effective: 11/30/2001

Promulgated Under: [119.03](#)

Statutory Authority: [3704.03\(F\)](#), [3704.03\(G\)](#), [3704.03\(T\)](#)

Rule Amplifies: [3704.03\(T\)](#), [3704.03\(G\)](#), [3704.03\(F\)](#), [3704.03\(A\)](#)

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## **3745-31-06 Completeness determinations, processing requirements, public participation, public notice, and issuance.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials".] Completeness review time restriction.

(A) Within sixty days after the director or the director's agent or authorized representative receives an application for the issuance of a permit to install or PTIO pursuant to rules adopted under division (F) of section [3704.03](#) of the Revised Code, or an application to modify such a permit, the director shall determine whether the application is substantially complete or materially deficient and shall notify the applicant, in writing, of the determination. If the director fails to make such a completeness determination and provide written notice of the determination to the applicant within sixty days after the application was submitted, the applicant may submit a written request to the director for the making of such a completeness determination.

(B) Request for completeness determination.

Within thirty days after receiving a written request for the making of a completeness determination on an application under paragraph (A) of this rule, the director shall determine whether the application is substantially complete or materially deficient and, in writing, notify the applicant of the determination. If the director fails to make a completeness determination and provide written notice of the determination to the applicant within thirty days after receiving the applicant's written request for the making of the determination, the application shall be deemed to have been complete in all material respects at the time that it was submitted to the director or the director's agent or authorized representative.

(C) Materially deficient applications.

If, within the time prescribed in paragraph (A) and, if applicable, paragraph (B) of this rule, the director or the director's agent or authorized representative determines that an application is materially deficient, the director shall return the application to the applicant. The running of the time prescribed under paragraph (A) of this rule and, if applicable, paragraph (B) of this rule ceases at the time that the determination is made. If the applicant subsequently resubmits the application to the director, the time prescribed in paragraph (A) of this rule and, if applicable, paragraph (B) of this rule shall resume running at the time that the application is resubmitted. The resubmission of the application constitutes a request for the making of a completeness determination on the application. The director shall do one of the following within the time remaining pursuant to paragraph (A) and, if applicable, paragraph (B) of this rule at the time that the application is resubmitted:

(1) Make a completeness determination on the application and, in writing, notify the applicant of the determination;

(2) Issue or deny or propose to issue or propose to deny the permit or modification.

(D) Completeness date notification.

The director shall include in each written notice of the completeness of an application provided under paragraph (A), (B), or (C)(1) of this rule the date on which the application was determined to be complete.

(E) Permit decision time limits and issuance or denial.

A permit-to-install or PTIO shall be issued, modified or denied and may be challenged in accordance with the provisions of the rules of procedure of the Ohio environmental protection agency, Chapters 3745-47 and 3745-49 of the Administrative Code.

(1) For the purposes of this paragraph, "initial construction PTIO" means a PTIO for an air contaminant source that is not currently regulated under a permit-to-install or PTIO.

(2) Permit-to-install, initial construction PTIO, or modification.

(a) The director shall issue or deny or propose to issue or deny a permit-to-install or initial construction PTIO pursuant to rules adopted under division (F) of section [3704.03](#) of the Revised Code, or modification, as defined in rule [3745-31-01](#) of the Administrative Code, of such a permit within one hundred eighty days after the date the application for the permit or modification was determined to be complete as that date is set forth in the written notice of the determination of the completeness of the application provided under paragraph (A), (B), or (C)(1) of this rule or within one hundred eighty days after the application is deemed to be complete under paragraph (B) of this rule, as appropriate. If the director fails to issue or deny or propose to issue or deny the permit or modification within the appropriate one-hundred-eighty-day period, the applicant may bring a mandamus action to obtain a judgment that orders the director to take a final action on the application.

(3) PTIO for air contaminant sources currently regulated under a permit-to-install.

(a) The director may issue or deny or propose to issue or deny a PTIO, where the applicant holds a previously issued permit-to-install for the same air contaminant source, pursuant to rules adopted under division (F) of section [3704.03](#) of the Revised Code as expeditiously as practicable, except when the air contaminant source is considered a modification as defined in rule [3745-31-01](#) of the Administrative Code, then paragraph (E)(2) of this rule shall be applicable.

(4) Express permit-to-install or express PTIO.

(a) Within sixty days of the receipt of a complete request, the director shall notify the applicant whether the air contaminant source will be accepted for express processing of a permit-to-install or PTIO pursuant to paragraph (G) of rule [3745-31-05](#) of the Administrative Code. Installation or construction of the air contaminant source may commence after sixty days if the applicant has not been notified or upon the issuance of the express permit-to-install or express PTIO.

(b) Within one hundred eighty days after a completed application is filed, the director shall issue or deny or propose to issue or deny an express permit-to-install or express PTIO.

(5) Administratively modified permit-to-install or PTIO.

The director may issue or deny or propose to issue or deny a permit-to-install or PTIO that meets the definition of an administrative modification in rule [3745-31-01](#) of the Administrative Code, pursuant to rules adopted under division (F) of section [3704.03](#) of the Revised Code, as expeditiously as practicable.

(6) Renewal PTIO.

(a) The director shall issue or deny or propose to issue or deny a renewal PTIO pursuant to rules adopted under division (F) of section [3704.03](#) of the Revised Code within one hundred eighty days after the date the application for the renewal PTIO was determined to be complete as that date is set forth in the written notice of the determination of the completeness of the application provided under paragraph (A), (B), or (C)(1) of this rule or within one hundred eighty days after the application is deemed to be complete under paragraph (B) of this rule, as appropriate. If the director fails to issue or deny or propose to issue or deny the renewal PTIO within the appropriate one hundred eighty day period, the applicant may bring a mandamus action to obtain a judgment that orders the director to take a final action on the application.

(b) In accordance with division (C) of section [119.06](#) of the Revised Code, when an applicant submits a timely and complete renewal application pursuant to applicable law and the terms and conditions of the PTIO, the permittee's failure to have a renewed PTIO is not a violation of this chapter. Upon expiration of the PTIO, the permittee shall continue to operate under the terms and conditions of an expired PTIO until issuance of a renewal PTIO by the director.

(F) Extension of the permit review time period for the public.

The director, upon the director's own motion or upon the written request of the applicant and in writing, may extend the time provided under paragraph (E) of this rule for issuing or denying or proposing to issue or deny the permit or modification for an additional sixty days if a public meeting or public hearing was held on the application for the permit or modification.

(G) Extensions of the permit review time period for the applicant.

Upon the written request of the applicant, the director, in writing, may extend the time provided under paragraph (E) of this rule for issuing or denying or proposing to issue or deny the permit or modification for the additional time specified in the applicant's request for the extension.

(H) Public participation/notification requirements.

The director shall do the following:



(1) Notify the public, by advertisement in a newspaper of general circulation in each county in which the proposed air contaminant source would be constructed and operated, of the application, the draft action (if issued), the ambient air impact that is expected from the nonattainment NSR permit or the PSD permit, if any, and of the opportunity to request a public hearing, comment at that public hearing or submit written comments on any draft action. This notice shall follow the requirements under Chapter 3745-49 of the Administrative Code.

(2) Send a copy of the notice of public comment to the applicant, the administrator of the United States environmental protection agency, and to officials and agencies having jurisdiction over the location where the proposed air contaminant source would be built as follows:

(a) Any other state or local air pollution control agencies.

(b) The chief executives of the city and county where the air contaminant source would be located.

(c) Any comprehensive regional land use planning agency.

(d) Any federal land manager, Indian governing body, or state whose lands may be affected by emissions from the air contaminant source or modification.

(3) For all draft action permits-to-install or PTIOs, upon request, provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the air contaminant source, alternatives to it, the control technology required, and other appropriate considerations.

(4) Consider all written comments submitted within the period specified in the notice of public comment and all comments received at any public hearing in making a final decision on the approvability of the application. The director shall make all comments available for public inspection.

(5) Notify the applicant in writing of the final determination and make such notification available for public inspection.

(I) Federal land manager notification requirements.

For purposes of new source review of any new major stationary source or major modification that may affect any Class I area and would be constructed in an area that is designated attainment, nonattainment, or unclassified under 40 CFR 81.336, in any review under rule [3745-31-17](#) of the Administrative Code with respect to visibility protection and analysis of a Class I area, the director shall provide the following:

(1) Written notification to all affected federal land managers of any proposed new major stationary source or major modification that may affect any Class I area. Such notification shall be made in writing and include a copy of all information relevant to the permit application within thirty days of receipt of and at least sixty days prior to the public hearing held by the Ohio

environmental protection agency on the application for an installation permit. Notifications under this paragraph shall include an analysis of the anticipated impacts on visibility in any Class I area. This written notification may be waived with documented approval from all affected federal land managers in advance of the sixty day review period prior to the public hearing.

(2) Where the Ohio environmental protection agency receives advance notification (e.g. early consultation with the source prior to submission of the application or notification of intent to monitor under rule [3745-31-14](#) of the Administrative Code) of a permit application for a source that may affect any Class I area, the director shall notify all affected federal land managers no later than thirty days after such advance notification.

(3) The director shall consider any analysis performed by the federal land manager, provided within thirty days of the federal land manager application notification and analysis required under paragraph (D)(1) of this rule, demonstrating whether the proposed new major stationary source or major modification has an impact on visibility in any Class I area. Where the director finds that such an analysis does not demonstrate to the satisfaction of the director that an impact on visibility will result in a Class I area, the Ohio environmental protection agency shall either provide an explanation of the finding or give notice as to where the explanation can be obtained in the notice for the public hearing.

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## **3745-31-07 Termination, revocation, expiration, renewal, revision and transfer.**

### (A) Termination.

(1) Authorization to install or modify an air contaminant source(s) contained in an issued permit-to-install or PTIO shall terminate within eighteen months of the effective date of the issuance of the permit-to-install or PTIO that authorized the installation or modification, if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification of the air contaminant source.

(2) The director may administratively modify a permit-to-install or PTIO to extend these dates of termination by up to twelve months if the applicant submits, within a reasonable time before the termination date, a request for an administrative modification, containing information that, in the judgment of the director, adequately justifies an extension of time. No appeal taken from denial of extension of a termination date shall prevent termination of a permit during the period between denial of extension and final disposition of the appeal unless prohibited by any court or administrative body having jurisdiction over the matter.

(3) A permit-to-install, permit-to-operate or PTIO may be terminated in accordance with paragraph (A)(2) or (B)(1)(c) of rule [3745-31-02](#) of the Administrative Code.

### (B) Revocation.

(1) The director may revoke a permit-to-install or PTIO, if the director concludes at any time that any applicable laws have been or are likely to be violated.

(2) The director may also revoke, or partially revoke, a permit-to-install, PTIO or variance if the permittee requests revocation for cause and the director determines that granting the requested revocation will not result in the violation of any applicable laws. When a permittee requests a revocation, the director, without prior hearing, shall make a final determination on the application.

(3) Revocation, pursuant to paragraph (B)(1) of this rule, of a permit-to-install, PTIO or variance shall be final thirty days after service of notice to the permit holder.

(4) The Ohio environmental protection agency shall afford a prompt hearing to any permit holder whose permit-to-install or PTIO is revoked, except as described in paragraph (B)(2) of this rule, in the manner prescribed in Chapter 3745-49 of the Administrative Code.

(5) A variance issued pursuant to rule [3745-31-09](#) of the Administrative Code may be revoked if any of the following occur:

(a) The director determines that any of the terms, conditions, standards, or requirements of rule [3745-31-09](#) of the Administrative Code have been or will be violated or that circumstances have changed so that the applicant is no longer eligible for a variance under that rule.

(b) The signatory fails to file an interim report as required pursuant to paragraph (G)(4) of rule [3745-31-09](#) of the Administrative Code, or if such report fails to satisfy the director that the source is making satisfactory progress.

(c) False or misleading statements are made in an interim report required pursuant to paragraph (G)(4) of rule [3745-31-09](#) of the Administrative Code.

(C) Expiration and renewal.

(1) A PTIO may be issued for a period of time consistent with the requirements of division (G) of section [3704.03](#) of the Revised Code, and is subject to renewal pursuant to rule [3745-31-05](#) of the Administrative Code.

(a) A conditional PTIO issued pursuant to paragraph (B) of rule [3745-31-05](#) of the Administrative Code shall be effective for such reasonable periods as the director may determine on a case-by-case basis consistent with division (G) of section [3704.03](#) of the Revised Code. A conditional PTIO may not be renewed; however, the effective date may be extended for such reasonable periods as the director may determine on a case-by-case basis provided the total time period of effectiveness is consistent with division (G) of section [3704.03](#) of the Revised Code.

(b) A FEPTIO issued pursuant to paragraph (D) of rule [3745-31-05](#) of the Administrative Code shall be effective for a period of time consistent with division (G) of section [3704.03](#) of the Revised Code but no longer than five years, and is subject to renewal.

(2) A permit-to-install does not expire and is not renewable.

(3) Any site approval for a portable source issued pursuant to paragraph (H) of rule [3745-31-05](#) of the Administrative Code may be issued for a period of time consistent with the requirements of division (G) of section [3704.03](#) of the Revised Code, and is subject to renewal pursuant to paragraph (H) of rule [3745-31-05](#) of the Administrative Code.

(4) Any variance issued pursuant to rule [3745-31-09](#) of the Administrative Code may be issued for a period of time consistent with the requirements of division (H) of section [3704.03](#) of the Revised Code, and is subject to renewal. A variance may be renewed only when the Ohio environmental protection agency is satisfied that the source for which the variance was granted is making satisfactory progress toward achievement of the program specified in any compliance schedule incorporated into the variance and/or is complying with any other terms and conditions of the variance. Renewal shall be considered pursuant to rule [3745-31-09](#) of the Administrative Code.

(D) Revision.

(1) Any PTIO or variance issued by the director shall be subject to revision by the director in response to changes in applicable law or other factors affecting the compliance of the air contaminant source with the standards or conditions of any currently effective permit.

(2) The director may revise any site approval for a portable source issued pursuant to paragraph (H) of rule [3745-31-05](#) of the Administrative Code to add or delete certain portable sources or add or delete certain terms and conditions as appropriate.

(3) The director may require the owner or operator to submit a permit application pursuant to rule [3745-31-05](#) of the Administrative Code to fulfill the requirements of paragraph (D) of this rule.

(E) Transfer.

The transferee of any permit-to-install, PTIO or variance shall assume personally the responsibilities of the original permit holder-transferor. The Ohio environmental protection agency must be notified in writing, in a manner prescribed by the director, of any transfer of a permit once the transfer has been completed.

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### **3745-31-08 Registration status permit-to-operate.**

(A) For purposes of paragraph (B) of this rule:

(1) "Maximum potential yearly emissions" means the total weight of lead, organic compounds, particulates or sulfur dioxide which is, or in the absence of control equipment would be, emitted from an air contaminant source in any one calendar year.

(2) "Registration status" means that the source may be operated without having obtained a permit-to-operate or variance, and exists upon notification as provided by the director.

(B) Prior to June 30, 2008, the director may have placed an air contaminant source on registration status after submittal of an application for a permit-to-operate, rather than issuing a permit-to-operate, if the owner or operator of such source demonstrated to the satisfaction of the director that the source was in compliance with applicable law and if the following conditions were met:

(1) The source was not subject to any mass emissions limitation or control requirement specified within or pursuant to any applicable law; or

(2) The source was subject to a mass emissions limitation or control requirement specified solely within Chapter(s) 3745-17, 3745-18, and/or 3745-21 of the Administrative Code; the maximum potential yearly emissions of lead and organic compounds from the source was each less than five tons; and the maximum potential yearly emissions of particulates and sulfur dioxide from the source were each less than twenty-five tons.

(C) An air contaminant source placed on registration status as of the effective date of this rule may remain on registration status until removed in accordance with paragraph (D) or (E) of this rule.

(D) The director may at any time require the owner or operator of an air contaminant source which obtained registration status prior to June 30, 2008, to submit an updated application for a PTIO or variance and/or to demonstrate its continued compliance with the requirements of paragraph (B) of this rule. If the owner or operator complies with this request of the director within a reasonable period of time as specified by the director, the updated application shall be processed in accordance with applicable law, including continuation of the existing registration status if appropriate. If the owner or operator fails to comply with this request of the director within a reasonable period of time as specified by the director, the permit-to-operate application previously submitted by such owner or operator for such source shall be removed from registration status and processed in accordance with applicable law. Any subsequent permit denial or notice of application deficiency shall serve as notice to the owner or operator of the source that the permit-to-operate application for such source has in fact been removed from registration status.

(E) The director may revoke a registration status obtained prior to June 30, 2008 if the permittee requests revocation for cause and the director determines that granting the requested revocation

will not result in the violation of any applicable laws. When a permittee requests a revocation pursuant to the paragraph, the director, without prior hearing, shall make a final determination on the request.

Revocation of registration status shall be final immediately after service of notice to the registration status holder.

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### **3745-31-09 Variances on operation.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials".]

(A) A variance may be applied for and obtained from the director that allows operation or other use of an air contaminant source that emits an air pollutant in violation of an applicable law pursuant to the provisions of this rule, except for the following:

(1) No variance shall be granted from Chapter 3745-19 of the Administrative Code governing open burning.

(2) No variance shall be granted to a new source, as defined in rule [3745-31-01](#) of the Administrative Code, from any emissions limitation which was applicable to the source as a new source.

(3) No variance from any rule of the director adopted under Chapter 3704. of the Revised Code may be granted except pursuant to this rule.

(B) Applications for variances shall meet the requirements of rules [3745-31-02](#) and [3745-31-04](#) of the Administrative Code.

(1) Any variance application that fails to provide information needed to provide a factual basis for ascertaining compliance with each of the relevant requirements of this rule may be considered defective and be treated as if it had not been filed. Such application shall be returned to the applicant as expeditiously as practicable with an indication of the deficiencies therein. Further processing of the application, including issuance of a proposed or final action or the initiation of any other official response by the Ohio environmental protection agency with respect to the application, will not occur until deficiencies have been remedied.

(2) An application which seeks a variance pursuant to this rule which allows an applicant to emit an air pollutant at a specified level in excess of emissions standards prescribed by applicable law without requiring eventual compliance with such standards shall specify the level of emission sought. Any such application which fails to so specify may be treated as a deficient application as set forth in paragraph (B) (1) of this rule.

(C) Standards for granting variances.

(1) A variance for an air contaminant source may allow an applicant to do the following:

(a) Emit from such source a specified level of emissions of the particular air contaminant which exceeds the level permitted by applicable law, without achieving eventual compliance with the level permitted by applicable law.

(b) To achieve compliance with applicable law pertaining to the particular air contaminant,



pursuant to a compliance schedule included as a term and condition of the variance, on a date later than the date provided by applicable law upon which compliance by such source must be achieved .

(c) To emit an air contaminant in accordance with both paragraphs (C)(1)(a) and (C)(1)(b) of this rule.

(2) A variance may be issued only if the applicant either demonstrates the requirements of paragraphs (C)(2)(a) to (C)(2)(c) of this rule, paragraph (C)(2)(e) of this rule, and paragraph (C)(2)(f) of this rule, or, demonstrates the requirements of paragraphs (C)(2)(d) to (C)(2)(f) of this rule:

(a) Either:

(i) The ambient air quality standards for the particular air contaminant to which the requested variance pertains are currently being met throughout the region affected by the emissions from the air contaminant source.

(ii) The emission of air contaminants in accordance with the variance will not prevent or interfere with the attainment of ambient air quality standards by contributing, either singly or in conjunction with other sources, to a failure to attain ambient air quality standards by the date or dates prescribed by applicable law throughout the region affected by the emissions from the air contaminant source.

(b) The emission of air contaminants in accordance with the variance will not prevent or interfere with the maintenance of ambient air quality standards by contributing, either singly or in conjunction with other sources, to a failure to maintain ambient air quality standards throughout the region affected by the emissions from the air contaminant source for the particular air contaminant to which the requested variance pertains after such ambient air quality standards are attained.

(c) The variance is necessary because compliance with the emission standard from which the variance is sought is, and, to the extent applicant has not complied with such emission standards, has been since the adoption of such emission standard, technically infeasible, economically unreasonable, or impossible because of conditions beyond the control of the applicant.

(d) Bubble concept:

(i) An alternative emission control strategy (bubble concept) is provided which will allow emissions of air contaminant from the source for which the variance is requested to exceed the level permitted by applicable law and will also require emissions of the same air contaminant from another source or sources to be less than the level(s) permitted by applicable law. The alternative emission control strategy shall do the following:

(a) Result in a reduction in actual emissions of the air contaminant from such other source or sources which is equivalent to or greater than the reduction which would occur if the source for which the variance is requested were to comply with applicable law.

(b) Result in an actual net ambient air quality improvement which is as good as, or better than, that which would occur if the source for which the variance is requested were to comply with applicable law and if all such other sources were to either comply with applicable law or maintain their actual level of emissions if such level is less than permitted by applicable law.

(c) Include applications for variances or PTIOs (or modifications of existing variances or PTIOs) for such other sources at the same facility that specify a level of allowable emissions of an air contaminant which is below the level established by applicable law and which satisfies the requirements of paragraphs (C)(2)(d)(i)(a) and (C)(2)(d)(i)(b) of this rule:

(ii) Air contaminants from different sources shall be considered to be the same for purposes of paragraph (C)(2)(d)(i) of this rule only if they are comparable in terms of type of contaminant.

(iii) Emissions of particulates of the following types shall not be considered, for purposes of paragraph (C)(2)(d)(i) of this rule to be the same as emissions of particulates of any other types:

(a) Asbestos.

(b) Beryllium.

(c) Coke oven emissions.

(d) Lead.

(e) Mercury.

(iv) Emissions of organic compounds of the following types shall not be considered, for purpose of paragraph (C)(2)(d)(i) of this rule, to be the same as emissions of organic compounds of any other types:

(a) Benzene.

(b) Vinyl chloride.

(e) Such compliance with applicable law or other terms and conditions as is required by the variance will be achieved as expeditiously as practicable.

(f) If any rule from which a variance is sought has been approved by the administrator of the United States environmental protection agency as part of the Ohio state implementation plan, the applicant must demonstrate those matters required by federal law or regulations, including, but not limited to 42 USC 7410 and 40 CFR Parts 51 and 52 for approval of a revision to the plan,

except approval by the administrator or the administrator's representative as a revision to the Ohio state implementation plan.

(D) The director retains the discretion to deny the application upon consideration of evidence regarding matters specified in division (H) of section [3704.03](#) of the Revised Code which is submitted by the applicant, developed by the agency, or obtained from another source, even though the demonstrations required by paragraph (C) of this rule have been made.

(E) Action on applications for variance.

(1) Prior to taking any action on any application for a variance, the Ohio environmental protection agency may hold a public meeting on the proposed variance in the manner specified in Chapter 3745-49 of the Administrative Code.

(2) The director shall act on an application for a variance within six months of the filing of a complete application by issuing a proposed or final action.

(3) Variances under this rule shall be issued, denied, modified, or revoked and may be challenged in accordance with the provisions of Chapter 3745-47 or 3745-49 of the Administrative Code.

(a) In issuing, denying, modifying, or revoking any variance, the director shall state the director's reasons in writing. The decision and reasons shall be made publicly available at the cost of reproduction and handling.

(F) Variances from rules contained in the Ohio state implementation plan.

(1) A variance from a rule which has been approved by the administrator of the United States environmental protection agency as part of the Ohio state implementation plan shall not be issued unless the following occurs:

(a) Such variance has been submitted to the administrator as a revision to the Ohio state implementation plan pursuant to applicable law, including, but not limited to, 42 USC 7410 and 40 CFR Parts 51 and 52 .

(b) All requirements of applicable law, including, but not limited to, 40 CFR Parts 51 and 52 have been met, except approval by the administrator or his/her representative as a revision to the Ohio state implementation plan .

(c) The variance contains a condition that the variance will not be effective until approved by the administrator or the administrator's representative as a revision of the Ohio state implementation plan.

(2) If a variance has been approved by the administrator pursuant to paragraph (F)(1) of this rule, a renewal of such variance shall not be subject to paragraph (F)(1) of this rule unless a significant difference exists between the material aspects of such variance and the renewed form of such variance. For the purposes of paragraph (F)(1) of this rule, a significant difference shall

include any extension of the final compliance date of any compliance schedule, but shall not include the reduction in allowable emissions.

(G) Terms and conditions of variances.

Upon issuance of a variance authorizing emissions as described in paragraphs (C)(1)(a) to (C)(1)(c) of this rule, and upon approval thereof by the administrator as provided by paragraph (F)(1)(c) of this rule, if applicable, the director shall propose to amend the rule from which the variance is issued to provide for emissions authorized by the variance. The amended rule shall be proposed only if, in the director's judgment, such amended rule will conform to all requirements of applicable law, including, if applicable, requirements regarding implementation plans. Following rulemaking procedures mandated by law on the proposal, the director shall take such action on the proposal as is lawful and reasonable.

(1) A single variance issued pursuant to this rule for an air contaminant source may provide the applicant relief from more than one emission limitation.

(2) Except as otherwise appropriate under paragraph (C) of this rule, an approved compliance schedule shall be incorporated into any variance granted.

(3) Each variance issued pursuant to this rule and each variance or PTIO issued to another source pursuant to paragraph (C)(2)(d) of this rule shall include as terms and conditions a specified emission limit for each air contaminant for which a variance is granted and test methods for demonstrating compliance with such emissions limits.

(4) In addition to the other registration and reporting requirements of all air contaminant sources, the holder of a variance which contains a compliance schedule shall file reports every two months or as otherwise required by the Ohio environmental protection agency. Such reports shall be signed by the applicant for the variance. These reports shall demonstrate to the satisfaction of the director that the source for which the variance was issued is making consistent progress and has met all interim deadlines specified in the compliance schedule or specified by the Ohio environmental protection agency.

(H) The possession of a variance shall not relieve the holder of responsibility to comply with all other applicable law and rules of the Ohio environmental protection agency.

(I) Variances may be revoked pursuant to paragraph (B)(5) of rule [3745-31-07](#) of the Administrative Code.

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### **3745-31-10 NSR projects at existing emissions units at a major stationary source.**

(A) The following provisions apply to NSR projects at existing emissions units at a major stationary source (other than NSR projects at a stationary source with a PAL) in circumstances where there is a reasonable possibility that a NSR project that is not part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraph (GGGGG) of rule [3745-31-01](#) of the Administrative Code for calculating projected actual emissions.

(1) Before beginning actual construction of the NSR project, the owner or operator shall document and maintain a record of the following information:

(a) A description of the NSR project.

(b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the NSR project.

(c) A description of the applicability test used to determine that the NSR project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of "could have accommodated" emissions excluded under paragraph (GGGGG)(1)(c) of rule [3745-31-01](#) of the Administrative Code and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(2) Before beginning actual construction, regardless of whether the owner or operator determines there is a reasonable possibility that a NSR project that is not part of a major modification may result in a significant emissions increase, the owner or operator shall provide a copy of the information set out in paragraph (A)(1) of this rule to the director for any of the following:

(a) New or modified emissions units where the sum of the federally enforceable potential to emit of the new or modified emissions units associated with the NSR project prior to the issuance of the NSR project's permit-to-install is greater than any one of the significant levels found in the significant definition of rule [3745-31-01](#) of the Administrative Code.

(b) Any emissions unit that is an existing electric utility steam generating unit.

(c) Unless required elsewhere in this rule, nothing in this paragraph shall be construed to require the owner or operator of such emissions unit to obtain any determination from the director before beginning actual construction.

(3) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the NSR project and that is emitted by any emissions units identified in paragraph (A)(1)(b) of this rule; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the NSR project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

(4) If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the director within sixty days after the end of each year during which records must be generated under paragraph (A)(3) of this rule setting out the emissions unit's annual emissions during the year that preceded submission of the report.

(5) If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the director if the annual emissions, in tons per year, from the NSR project identified in paragraph (A)(1) of this rule, exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (A)(1)(c) of this rule, by a significant amount for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (A)(1)(c) of this rule. Such report shall be submitted to the director within sixty days after the end of such year. The report shall contain the following:

(a) The name, address, and telephone number of the major stationary source.

(b) The annual emissions as calculated pursuant to paragraph (A)(3) of this rule.

(c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(6) A "reasonable possibility" under this rule occurs when the owner or operator calculates the project to result in either:

(a) A projected actual emissions increase of at least fifty per cent of the amount that is a "significant emissions increase," as defined in rule [3745-31-01](#) of the Administrative Code (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.

(b) A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (GGGGG)(3) of rule [3745-31-01](#) of the Administrative Code, sums to at least fifty per cent of the amount that is a "significant emissions increase," as defined under paragraph (WWWWW) of rule [3745-31-01](#) of the Administrative Code (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of paragraph (A)(6)(b) of this rule, and not also within the meaning of paragraph (A)(6)(a) of this rule, then provisions under paragraphs (A)(2) to (A)(5) of this rule do not apply to the project.

(B) The owner or operator of the source shall make the information required to be documented and maintained pursuant to this rule available for review upon request.

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## 3745-31-11 Attainment provisions - ambient air increments, ceilings and classifications.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

### (A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

### (B) Allowable increments.

The director shall require, through the issuance of a permit-to-install pursuant to rules adopted under division (F) of section [3704.03](#) of the Revised Code, the emission limitations and such other measures as may be necessary to assure that, in areas designated attainment below as Class I, Class II or Class III, increases in ambient air pollutant concentration over the baseline concentration shall be limited to the following:

Maximum Allowable Increase ( $\mu\text{g}/\text{m}^3$ )				
Air Pollutant	Averaging Period	Class I	Class II	Class III
Particulate matter				
PM 2.5	annual arithmetic mean	1	4	8
	twenty-four-hour maximum	2	9	18
PM10	annual arithmetic mean	4	17	34
	twenty-four-hour maximum	8	30	60
Sulfur dioxide	annual arithmetic mean	2	20	40
	twenty-four-hour maximum	5	91	182
	three-hour maximum	25	512	700
Nitrogen dioxide	annual arithmetic mean	2.5	25	50

For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

### (C) Ambient air ceilings.

The director, through the issuance of a permit-to-install pursuant to rules adopted under division (F) of section [3704.03](#) of the Revised Code, shall provide that no ambient concentration of an air pollutant shall exceed either of the following:

(1) The concentration permitted under the national secondary ambient air quality standard.

(2) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the air pollutant for a period of exposure.

(D) Restrictions on area classifications.

(1) All of the following areas, if in existence of August 7, 1977, shall remain Class I areas:

(a) International parks.

(b) National wilderness areas that exceed five thousand acres in size.

(c) National memorial parks that exceed five thousand acres in size.

(d) National parks that exceed six thousand acres in size.

(2) Areas that were assigned as Class I under regulations promulgated before August 7, 1977 shall remain Class I but may be reassigned as provided in this rule.

(3) All areas of the state are designated Class II but may be redesignated as provided in this rule.

(4) The following areas may be redesignated only as Class I or II:

(a) An area that, as of August 7, 1977, exceeded ten thousand acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore .

(b) A national park or national wilderness area established after August 7, 1977 that exceeds ten thousand acres in size.

(5) The extent of areas designated as Class I under paragraph (D)(1) of this rule or Class I or II under paragraph (D)(4) of this rule shall conform to any changes in the boundaries of an area that have occurred since August 7, 1977 or that may occur.

(E) Exclusions from increment consumption.

(1) The following ambient concentrations shall be excluded in determining increment compliance with a maximum allowable increase:

(a) Concentrations attributable to the increase in emissions from emissions units that have converted from the use of petroleum products, natural gas, or both by reason of an order in effect



under Section 2(A) and (B) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such emissions units before the effective date of such an order.

(b) Concentrations attributable to the increase in emissions from emissions units that have converted from using natural gas by reason of natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such emissions units before the effective date of such plan .

(c) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified emissions units.

(d) The increase in concentrations attributable to new emissions units outside the United States over the concentrations attributable to existing emissions units that are included in the baseline concentration.

(e) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter or nitrogen oxides from emissions units that are affected by Ohio state implementation plan revisions approved by the administrator of the United States environmental protection agency as meeting the criteria specified as follows:

(i) Such time is not to exceed two years in duration unless a longer time is approved by the administrator of the United States environmental protection agency.

(ii) The time period for excluding certain contributions, in accordance with paragraph (E)(1)(e)(i) of this rule, is not renewable.

(iii) No emissions increase from an emissions unit can do any of the following:

(a) Impact a Class I area or an area when an applicable increment is known to be violated.

(b) Cause or contribute to the violation of a national ambient air quality standard.

(c) Limitations under paragraphs (E)(1)(e)(iii)(a) and (E)(1)(e)(iii)(b) of this rule must be in effect at the end of the time period specified in accordance with paragraph (E)(1)(e)(i) of this rule that would ensure that the emission levels from emissions units affected by the Ohio state implementation plan revision would not exceed those levels occurring from such emissions units before the plan revision was approved.

(2) No exclusion of such concentrations shall apply more than five years after the effective date of the order to which paragraph (D)(1)(a) of this rule refers, or the plan to which paragraph (E)(1)(b) of this rule refers, whichever is applicable. If both such order and plan are applicable, no such exclusions shall apply more than five years after the later of such effective dates.

(3) No exclusion under paragraph (E) of this rule shall occur later than nine months after August 7, 1980 unless an Ohio state implementation plan revision meeting the requirements of 40 CFR

51.166 has been submitted to the administrator of the United States environmental protection agency.

(F) Class redesignation

(1) All attainment areas of the state, except as otherwise provided under paragraph (D) of this rule, shall be designated Class II.

(2) Upon due consideration, the director may submit to the administrator of the United States environmental protection agency a proposal to redesignate to attainment any area of the state to Class I or Class II provided that:

(a) At least one public hearing has been held in accordance with procedures established in Chapter 3745-49 of the Administrative Code.

(b) Other states, Indian governing bodies and federal land managers whose lands may be affected by the proposed redesignation were notified at least thirty days prior to the public hearing.

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, were prepared and made available for public inspection at least thirty days prior to the hearing, and the notice announcing the hearing contained appropriate notification of the availability of such discussion .

(d) Prior to the issuance of notice respecting the redesignation of an attainment area that includes any federal lands, the state has provided written notice to the appropriate federal land manager and afforded adequate opportunity , not in excess of sixty days , to confer with the state respecting the redesignation and to submit written comments and recommendations. In redesignating any attainment area with respect to which any federal land manager had submitted written comments and recommendations, the state shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the federal land manager) .

(e) The state has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the attainment area covered by the proposed redesignation.

(3) Any area other than an area for which paragraph (D) of this rule restricts redesignation may be redesignated as Class III if the following applies:

(a) The redesignation would meet the requirements of paragraph (F)(2) of this rule.

(b) The redesignation has been specifically approved by the governor, after consultation with the appropriate committees of the general assembly, if it is in session, or with the leadership of the general assembly, if it is not in session, and if general purpose units of the local government

representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation.

(c) The redesignation would not cause, or contribute to, a concentration of any air pollutant that would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard.

(d) Any permit application for any major stationary source or major modification, subject to review under paragraph (F)(1) of this rule, which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

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R.C. [119.032](#) review dates: 01/10/2014 and 05/29/2019

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Statutory Authority: [3704.03\(F\)](#)

Rule Amplifies: [3704.03\(A\)](#), [3704.03\(F\)](#)

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## **3745-31-12 Attainment provisions - data submission requirements.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

### (A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

### (B) Data submission authority.

The owner or operator of a proposed major stationary source or major modification shall submit all information necessary to perform any analysis or make any determination required under this rule.

### (C) Minimum data submission requirements.

The information required under paragraph (A) of this rule shall include the following:

- (1) A description of the nature, location, design capacity and typical operating schedule of the major stationary source or major modification, including specifications and drawings showing the emissions units design and plant layout .
- (2) A detailed schedule for construction of the major stationary source or major modification.
- (3) For each emissions unit a detailed description as to what system of continuous emissions reduction is planned by the major stationary source or major modification, emission estimates, including maximum emissions rates and any other information as necessary to determine that BACT as applicable would be applied .
- (4) The air quality impact of the major stationary source or major modification, including meteorological and topographical data necessary to estimate such impact.
- (5) The air quality impacts and the nature and extent of any or all general commercial, residential, industrial and other growth that has occurred since the baseline date was set in the area the major stationary source or major modification would affect.

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Rule Amplifies: [3704.03\(A\)](#), [3704.03\(F\)](#)

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### **3745-31-13 Attainment provisions - review of major stationary sources and major modifications, stationary source applicability and exemptions.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

(A) Start construction limitations.

In accordance with this chapter, no major stationary source or major modification located in an attainment area shall begin actual construction unless, at a minimum, the requirements in rules [3745-31-01](#) to [3745-31-20](#) of the Administrative Code have been met and the stationary source has obtained a valid Ohio environmental protection agency permit-to-install.

(B) Air pollutants covered.

Rules 3745-31-10 to 3745-31-20 of the Administrative Code shall apply to any major stationary source and any major modification as defined by this chapter with respect to each regulated NSR pollutant, except as otherwise allowed in rule 3745-31-13 of the Administrative Code.

(C) Attainment/nonattainment applicability.

Rules 3745-31-10 to 3745-31-20 of the Administrative Code apply only to any major stationary source or major modification that would be constructed in an area that is designated as attainment or unclassifiable under 40 CFR 81.336.

(D) Discretionary exemption.

Upon request, the director, at the director's discretion, may exempt the following stationary sources from the requirements contained in rules [3745-31-10](#) to [3745-31-20](#) of the Administrative Code as applied to a particular major stationary source or major modification if:

(1) The major stationary source would be or is a non-profit health or non-profit educational institution or a major modification that would occur at such an institution.

(2) The stationary source or modification is a portable stationary source that has previously received a permit under requirements equivalent to those contained in rules [3745-31-10](#) to [3745-31-20](#) of the Administrative Code if the following apply:

(a) The owner or operator of the stationary source proposes to relocate and emissions of the stationary source at the new location would be temporary.

(b) The emissions from the stationary source would not exceed its allowable emissions.

(c) The emissions from the stationary source would not impact a Class I area or any area where an applicable increment is known to be violated.

(d) Reasonable written notice is given to the director prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the director not less than thirty days in advance of the proposed relocation unless a different time duration is previously approved by the director.

(E) Stationary sources located in or impacting nonattainment areas.

Rules 3745-31-10 to 3745-31-20 of the Administrative Code do not apply to a major stationary source or major modification with respect to a particular air pollutant if the owner or operator demonstrates that, as to that air pollutant, the stationary source or major modification is located in an area designated as nonattainment under Section 107 of the Clean Air Act. This exemption does not apply to stationary sources or major modifications that are located in an attainment area that impact a nonattainment areas pursuant to paragraph (D) of rule [3745-31-23](#) of the Administrative Code.

(F) Temporary increases.

Rules 3745-31-10 to 3745-31-20 of the Administrative Code do not apply to a proposed major stationary source or major modification with respect to a particular air pollutant if the allowable emissions of that air pollutant from a new stationary source, or the net emissions increase of that air pollutant from a modification, would be temporary and would impact no Class I area and no area where an applicable increment is known to be violated.

(G) Class II area limitations.

The requirements contained in rules [3745-31-08](#) to [3745-31-10](#) of the Administrative Code as they relate to any maximum allowable increase for a Class II area do not apply to a modification of a major stationary source that was in existence on March 1, 1978 if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT would be less than fifty tons per year.

(H) Exemptions to preapplication ambient monitoring.

The director may exempt a proposed major stationary source or major modification from rule [3745-31-14](#) of the Administrative Code with respect to ambient monitoring for a particular air pollutant if the following apply:

(1) The emissions increase of the air pollutant from a new stationary source or the new emissions increase of the air pollutant from a modification would cause, in any area, air quality impacts less than the following amounts:

(a) Carbon monoxide - five hundred seventy-five  $\mu\text{g}/\text{m}^3$ , eight-hour average.

- (b) Nitrogen dioxide - fourteen  $\mu\text{g}/\text{m}^3$ , annual average.
  - (c) Particulate matter less than 2.5 microns (PM 2.5) - four  $\mu\text{g}/\text{m}^3$ , twenty-four-hour average [Comment: this applies only to directly emitted PM 2.5].
  - (d) Particulate matter less than ten microns (PM10) - ten  $\mu\text{g}/\text{m}^3$ , twenty-four-hour average.
  - (e) Sulfur dioxide - thirteen  $\mu\text{g}/\text{m}^3$ , twenty-four-hour average.
  - (f) Ozone - no de minimis air quality level is provided for ozone. However, any net increase of one hundred tons per year or more of VOCs subject to the attainment provisions of this chapter would be required to perform an impact analysis including the gathering of ambient air quality data.
  - (g) Lead - 0.1  $\mu\text{g}/\text{m}^3$ , three-month average.
  - (h) Fluorides - 0.25  $\mu\text{g}/\text{m}^3$ , twenty-four-hour average.
  - (i) Total reduced sulfur - ten  $\mu\text{g}/\text{m}^3$ , one-hour average.
  - (j) Hydrogen sulfide - 0.2  $\mu\text{g}/\text{m}^3$ , one-hour average.
  - (k) Reduced sulfur compounds - ten  $\mu\text{g}/\text{m}^3$ , one-hour average.
- (2) The ambient concentrations of the air pollutant in the area that the stationary source or modification would affect are less than the concentrations listed in paragraph (H)(1) of this rule.
  - (3) The air pollutant is not listed in paragraph (H)(1) of this rule.
  - (4) The director determines that representative monitoring data is available.

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Rule Amplifies: [3704.03\(A\)](#), [3704.03\(F\)](#)

Prior Effective Dates: 4/12/96, 10/28/04, 12/1/06



## **3745-31-14 Attainment provisions - preapplication analysis.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

### (A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

### (B) Criteria air pollutants that require pre-application analysis.

Any application for a major stationary source or major modification shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following air pollutants:

(1) For a stationary source, each criteria air pollutant that the stationary source would have the potential to emit in a significant amount;

(2) For the major modification, each criteria air pollutant for which the major modification would result in a significant net emissions increase.

### (C) Non-criteria air pollutant pre-application analysis.

With respect to any air pollutant for which no national ambient air quality standard exists excluding pollutants listed under Section 112 of the Clean Air Act, the pre-application analysis shall contain such air quality monitoring data as the director determines is necessary to assess ambient air quality for that air pollutant in any area that the emissions of that air pollutant would affect.

### (D) Ambient monitoring requirements.

With respect to any air pollutant, other than VOCs, if the director determines that such monitoring is necessary, the pre-application analysis shall contain air quality monitoring data (unless exempt under paragraph (H) of rule [3745-31-13](#) of the Administrative Code) gathered for purposes of determining whether emissions of that air pollutant would cause or contribute to a violation of the national ambient air quality standard or any maximum allowable increment.

### (E) Ambient monitoring time period.

In general, the continuous air monitoring data that is required under the pre-application analysis shall have been gathered over a period of one year and shall represent the year preceding receipt of the application except that, if the director determines that a complete and adequate analysis

can be accomplished with monitoring data gathered over a period shorter than one year , but not to be less than four months , the data that is required shall have been gathered over at least that shorter period.

(F) Post approval ambient monitoring for ozone.

Any owner or operator of a proposed major stationary source or major modification of VOCs who satisfies all conditions of paragraph (A) of rule [3745-31-22](#) of the Administrative Code may provide post-approval monitoring data for ozone in lieu of providing pre-construction data as required under paragraph (B)(1) of this rule.

(G) Post-construction monitoring.

Any owner or operator of a major stationary source or major modification shall, after construction of the stationary source or modification, conduct such ambient monitoring as the director determines is necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality.

(H) Operation of monitoring stations.

Any owner or operator of a major stationary source or major modification shall meet the requirements of 40 CFR Part 58, Appendix A during the operation of monitoring stations for purposes of satisfying paragraph (C) of this rule.

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## **3745-31-15 Attainment provisions - control technology review.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

### (A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

(B) A major stationary source or major modification shall meet each applicable emission limitation under the Ohio state implementation plan and each applicable emission standard and standard of performance under 40 CFR Parts 60, 61 and 63.

(C) The owner or operator of a new major stationary source shall apply BACT to the major stationary source for each regulated NSR pollutant that the major stationary source would have the potential to emit in significant amounts.

(D) A major modification shall apply BACT for each regulated NSR pollutant that would be a significant net emissions increase at the stationary source. This requirement applies to each proposed emissions unit at which a net emissions increase in the air pollutant would occur as a result of a physical change or change in the method of operation in the emissions unit.

(E) For phased construction NSR projects, the determination of BACT shall be reviewed and modified as appropriate no more than eighteen months prior to commencement of construction of each independent phase of the NSR project. At such time, the owner or operator of the stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the stationary source.

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## [3745-31-16 Attainment provisions - major stationary source impact analysis.](#)

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

### (A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

### (B) Impact analysis.

Any owner or operator of a proposed major stationary source or major modification shall demonstrate that allowable emissions increases from the proposed major stationary source or major modification, in conjunction with all other applicable emissions increases or reductions, including secondary emissions, would not cause or contribute to air pollution in violation of:

(1) Any national ambient air quality standard.

(2) Any applicable maximum allowable increase over the baseline concentration in any attainment area.

### (C) Significant impact levels.

For purposes of PM 2.5, the demonstration required in paragraph (B) of this rule is deemed to have been made if the emissions increase from the new stationary source alone or from the modification alone would cause, in all areas, air quality impacts less than the following amounts:

Pollutant	Averaging time	Class I area	Class II area	Class III area
PM 2.5	Annual	0.06 $\mu\text{g}/\text{m}^3$	0.3 $\mu\text{g}/\text{m}^3$	0.3 $\mu\text{g}/\text{m}^3$
	24-hour	0.07 $\mu\text{g}/\text{m}^3$	1.2 $\mu\text{g}/\text{m}^3$	1.2 $\mu\text{g}/\text{m}^3$

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Rule Amplifies: [3704.03\(A\)](#), [3704.03\(F\)](#)

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### **3745-31-17 Attainment provisions - additional impact analysis.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

(A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

(B) Any owner or operator of a proposed major stationary source or major modification shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the stationary source or modification and general commercial, residential, industrial and other growth associated with the stationary source or modification. This analysis shall be submitted with the permit-to-install application.

(C) The owner or operator shall provide an analysis of the air quality impact projected for the attainment area as a result of general commercial, residential, industrial and other growth associated with the stationary source or modification.

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Rule Amplifies: [3704.03\(A\)](#), [3704.03\(F\)](#)

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### **3745-31-18 Attainment provisions - air quality models.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

(A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

(B) All estimates of ambient concentrations required under rule [3745-31-10](#) of the Administrative Code through rule [3745-31-27](#) of the Administrative Code shall be based upon the applicable air quality models, databases and other requirements specified in 40 CFR Part 51, Appendix W, "Guideline on Air Quality Models".

(C) Where an air quality impact model specified in 40 CFR Part 51, Appendix W,

"Guideline on Air Quality Models", is inappropriate, the model may be changed or another model substituted. Such a change or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific State program. Written approval of the administrator of the United States environmental protection agency must be obtained for any change or substitution. In addition, use of a changed or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with Chapter 3745-49 of the Administrative Code.

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Rule Amplifies: [3704.03\(A\)](#), [3704.03\(F\)](#)

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## **3745-31-19 Attainment provisions - notice to the United States environmental protection agency.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

### (A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

### (B) Notice to the United States environmental protection agency.

The director shall, upon request, transmit to the regional administrator of the United States environmental protection agency a copy of each permit application relating to a major stationary source or major modification subject to this rule and provide notice to the administrator of every action related to the consideration of such permit.

### (C) Denial-impact on air quality-related values.

The director shall consider comments from a federal land manager concerning the impact of a proposed major stationary source or major modification on such lands, including a demonstration that the emissions from the proposed major stationary source or major modification would have an adverse impact on the air quality, including visibility, of any federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such major stationary source or major modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the director concurs with such demonstration, the permit shall not be issued.

### (D) Class I variances.

The owner or operator of a proposed major stationary source or major modification shall demonstrate to the federal land manager that the emissions from such major stationary source or major modification would have no adverse impact on the air quality of such lands, including visibility, notwithstanding that the change in air quality resulting from emissions from such major stationary source or major modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with such demonstration and so certifies to the state, the director may, provided that applicable requirements are otherwise met, issue the permit with emission limitations necessary to assure that emissions of sulfur dioxide and particulate matter would not exceed the maximum allowable increases over baseline concentration for such air pollutant as detailed in the following table:

Air pollutant	Maximum allowable increase (micrograms per cubic meter)
PM 2.5	
annual arithmetic mean	4
twenty-four-hour maximum	9
PM10	
annual arithmetic mean	17
twenty-four-hour maximum	30
Sulfur dioxide	
annual arithmetic mean	20
twenty-four-hour maximum	91
three-hour maximum	325
Nitrogen dioxide	
arithmetic mean	25

(E) Sulfur dioxide variance by governor with federal land manager's concurrence.

(1) The owner or operator of a proposed major stationary source or major modification that cannot be approved under procedures developed pursuant to paragraph (D) of this rule may demonstrate to the governor that the major stationary source or major modification cannot be approved by reason of any maximum allowable increase for sulfur dioxide for periods of twenty-four hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality of the area , including visibility.

(2) The governor, after consideration of the federal land manager's recommendation, if any, and subject to his concurrence may grant, after notice and an opportunity for a public hearing, a variance from such maximum allowable increase; and

(3) If such variance is granted, the director may issue a permit to such major stationary source or major modification in accordance with provisions developed pursuant to paragraph (G) of this rule provided that the applicable requirements of this chapter are otherwise met.

(F) Variance by the governor with the president's concurrence.

(1) The recommendations of the governor and the federal land manager shall be transferred to the president of the United States in any case where the governor recommends a variance in which the federal land manager does not concur;

(2) The president may approve the governor's recommendation if the president finds that such variance is in the national interest; and



(3) If such variance is approved, the director may issue a permit to such major stationary source or major modification in accordance with provisions developed pursuant to paragraph (G) of this rule provided that the applicable requirements of this chapter are otherwise met.

(G) Emissions limitations for presidential or gubernatorial variance.

In the case of a permit issued under procedures developed pursuant to paragraph (E) or (F) of this rule, the stationary source or modification shall comply with emission limitations as may be necessary to assure that emissions of sulfur dioxide from the stationary source or modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to concentrations that would exceed the maximum allowable increases over the baseline concentration, as defined in the following table, and to assure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four hours or less for more than eighteen days, not necessarily consecutive, during any annual period:

	Maximum Allowable Sulfur Dioxide Increase (Micrograms per Cubic Meter)	
Period of Exposure	Low Terrain	High Terrain
twenty-four-hour maximum	36	62
three-hour maximum	130	221

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Rule Amplifies: [3704.03\(A\)](#), [3704.03\(F\)](#)

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## **3745-31-20 Attainment provisions - innovative control technology.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code titled, "referenced materials."]

### (A) Authority to request approval.

An owner or operator of a proposed major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major may request the director of the Ohio environmental protection agency to approve a system of innovative control technology.

### (B) Limitations on approval.

The director of the Ohio environmental protection agency, with the written consent of the governor(s) of other state(s) whose air quality may be affected by emissions from the major stationary source or major modification, may determine that the major stationary source or major modification may employ a system of innovative control technology if:

- (1) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.
- (2) The owner or operator agrees to achieve a level of continuous emission reduction equivalent to BACT by a date specified by the director. Such date shall not be later than four years from the time of start-up or seven years from permit issuance.
- (3) The major stationary source or major modification would meet the requirements equivalent to those in rule [3745-31-05](#) of the Administrative Code and paragraph (A) of rule [3745-31-07](#) of the Administrative Code based on the emission rate that the major stationary source employing the system of innovative control technology would be required to meet on the date specified by the director.
- (4) The major stationary source or major modification would not, before the date specified by the director do any of the following:
  - (a) Cause or contribute to any violation of any applicable national ambient air quality standard.
  - (b) Impact any Class I area.
  - (c) Impact any area where an applicable increment is known to be violated.
- (5) All other applicable requirements including those for public participation under rule [3745-31-06](#) of the Administrative Code have been met.

(C) Withdrawal of approval.

The director shall withdraw any approval to employ a system of innovative control technology made under this rule if either of the following occur:

- (1) The proposed system fails by the specified date to achieve the required emission rate.
- (2) The director determines that continued operation will cause or contribute to an unreasonable risk to public health, welfare or safety.

(D) Extension of demonstration period.

If a proposed major stationary source or major modification fails to meet the required level of continuous emission reduction within the specified time period, or if the approval is withdrawn in accordance with paragraph (C) of this rule, the director may allow the major stationary source or major modification up to an additional three years to meet the requirement for the application of BACT through use of a demonstrated system of control.

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## **3745-31-21 Nonattainment provisions - review of major stationary sources and major modifications - stationary source applicability and exemptions.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

### (A) Start construction limitation.

No owner or operator of a major stationary source or major modification located in a nonattainment area shall begin actual construction of such major stationary source or major modification unless, as a minimum, rules 3745-31-21 to [3745-31-27](#) of the Administrative Code have been met and the owner or operator of the stationary source has obtained a valid Ohio environmental protection agency permit-to-install.

### (B) Air pollutants covered.

Rules 3745-31-21 to 3745-31-27 of the Administrative Code shall apply to any major stationary source and any major modification with respect to each regulated NSR pollutant that the stationary source would emit, except as this rule would otherwise allow.

### (C) Attainment/nonattainment applicability.

Except as provided in rules 3745-31-21 and 3745-31-23 of the Administrative Code, rules 3745-31-21 to [3745-31-27](#) of the Administrative Code apply only to any major stationary source or major modification that would be constructed in an area designated under 40 CFR 81.336 as nonattainment for an air pollutant for which the stationary source or modification is major.

### (D) PM10 precursors.

Major stationary sources and major modifications of PM10 precursors shall be subject to the control requirements that are applicable under plans in effect under Section 189 of the Clean Air Act for major stationary sources and major modifications of PM10, except where the director determines that such major stationary sources do not contribute significantly to PM10 levels that exceed the PM10 standard in the area.

### (E) Clean coal technology.

Consistent with the Clean Air Act, Ohio environmental protection agency shall apply the following requirements for clean coal technology demonstrations:

#### (1) Applicability.

This paragraph applies to physical or operation changes to existing facilities for the sole purpose of installation, operation, cessation, or removal of a temporary or permanent clean coal technology demonstration project.

#### (2) Temporary clean coal technology demonstration projects.

Installation, operation, cessation, or removal of a temporary clean coal technology demonstration project shall not subject such demonstration project to the requirements of Section 111 or Part D of Title I of the Clean Air Act.

(3) Permanent clean coal technology demonstration projects.

For permanent clean coal technology demonstration projects that constitute repowering, as defined in Section 402(12) of Title IV, (acid deposition control) of the Clean Air Act, any qualifying clean coal technology demonstration project shall not be subject to standards of performance under Section 111 of the Clean Air Act or to the review and permitting requirements of Part C of Title I of the Clean Air Act for any air pollutant the potential emissions of which will not increase as a result of the clean coal technology demonstration project.

(4) Exemption for reactivation of very clean coal technology units.

Physical changes or changes in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation shall not subject the emissions unit to the requirements of Section 111 or Part C of Title I of the Clean Air Act where the emissions unit:

(a) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such emissions unit continue to be carried in the director's emission inventory at the time of enactment.

(b) Was equipped prior to shut-down with a continuous system of emission control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five per cent and a removal efficiency for particulate matter of no less than ninety-eight per cent.

(c) Is equipped with low-NO burners prior to the time of commencement; and

(d) Is otherwise in compliance with the requirements of the Clean Air Act.

(F) Secondary emissions.

If a major stationary source is subject to this rule on the basis of the direct emissions from the major stationary source, the applicable conditions of this rule shall also be met for secondary emissions. However, secondary emissions may be exempt from LAER requirements and compliance certification requirements under paragraphs (A)(1) and (A)(2) of rule [3745-31-22](#) of the Administrative Code. Consideration of the indirect impacts of motor vehicles and aircraft traffic regulated under Title II of the Clean Air Act (motor vehicles and aircraft) is not required under this rule.

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## **3745-31-22 Nonattainment provisions - conditions for approval.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

### (A) Conditions for permit-to-install approval.

If the director finds that a major stationary source or major modification for which a permit-to-install application has been submitted would be constructed in an area designated in 40 CFR 81.336 as nonattainment for an air pollutant for which the major stationary source or major modification is major, approval may be granted only if the following conditions are met:

#### (1) Lowest achievable emission rate (LAER).

The major stationary source or major modification is required to meet an emission limitation that specifies the LAER for such stationary source.

If the director determines that technological or economic limitations on the application of measurement methodology to a particular class of stationary sources would make the imposition of an enforceable numerical emission standard infeasible, the director may instead prescribe a design, operational, or equipment standard. Any permits issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control.

The LAER is required only for those major nonattainment air pollutants for which the increased allowable emissions exceed the significant emission rates, although the director may choose to require LAER for air pollutants that do not exceed these values.

The new emission limitations for the new stationary source as well as any existing stationary sources affected must be federally enforceable.

#### (2) Compliance certification.

The applicant shall certify that all existing major stationary sources owned or operated by the applicant, or any entity controlling, controlled by, or under common control with the applicant, in Ohio as the proposed major stationary source or major modification are in compliance with all applicable emission limitations and standards under the Clean Air Act, or are in compliance with an expeditious schedule which is federally enforceable or contained in a court decree.

#### (3) Emission offsets.

(a) Emission reductions (offsets) from existing air contaminant sources in the area of the proposed major stationary source, whether or not under the same ownership, are required such

that there will be reasonable progress, as determined by the director, toward attainment of the applicable national ambient air quality standard.

(c) Emission offsets must meet the baseline limitations of rule 3745-31-24 of the Administrative Code, the location limitations of rule 3745-31-25 of the Administrative Code, and the offset ratio limitations of rule [3745-31-26](#) of the Administrative Code.

(d) Emission offsets are required only for those air pollutants for which the increased allowable emissions exceed the significant emission rates.

(e) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with Section 173 of the Clean Air Act shall be determined by summing the difference between the allowable emissions after the major modification and the actual emissions before the modification for each emissions unit.

(4) Net air quality benefit.

The emission offsets must provide a positive net air quality benefit in the affected area pursuant to rule [3745-31-25](#) of the Administrative Code. Atmospheric dispersion modeling is not necessary for VOCs and nitrogen oxides in ozone nonattainment areas. Instead, complying with the requirements of paragraphs (A)(1) to (A)(3) of this rule and rule [3745-31-25](#) of the Administrative Code will be considered adequate to meet this condition.

(5) Reasonable further progress.

Permits-to-install may be issued if the director determines that, by the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained, such that total allowable emissions from existing sources in the applicable nonattainment areas, from new or modified sources which are not major emitting facilities, and from the proposed source will be sufficiently less than total emissions from existing sources prior to the application for such permit to construct or modify so as to represent reasonable further progress as defined in Section 171 of the Clean Air Act.

(B) Exemptions from certain conditions.

(1) Fuel switch exemption.

The director may exempt the following major stationary sources or major modifications from the limitation required under paragraph (D)(1) of rule [3745-31-23](#) of the Administrative Code or the emission offsets required under paragraphs (A)(3) and (A)(4) of this rule:

Major stationary sources that must switch fuels due to lack of adequate fuel supplies or where a major stationary source is required to be modified as a result of new United States environmental

protection agency regulations and no exemption from such regulation is available to the major stationary source.

Such exemptions may be granted only if the following applies:

(a) The applicant demonstrates that it made its best efforts to obtain sufficient emission offsets and that such efforts were unsuccessful;

(b) The applicant has secured all available emission offsets; and

(c) The applicant will continue to seek the necessary emission offsets and apply them when they become available.

(2) Temporary stationary sources/portable facilities/construction emissions:

The director may exempt the following major stationary sources or major modifications from the emission offsets required under paragraphs (A)(3) and (A)(4) of this rule:

(a) Portable facilities that will be relocated outside of the nonattainment area after a short period of time.

(b) Emissions generated from the construction phase of a new major stationary source.

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**3745-31-23 Nonattainment provisions - stationary sources locating in designated clean or unclassifiable areas which would cause or contribute to a violation of a national ambient air quality standard.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

(A) Applicability.

This rule applies only to major stationary sources or major modification that will be located in an area designated in 40 CFR 81.336 as attainment or unclassifiable if the emissions from the major stationary source or major modification would exceed the following significance levels at any locality that does not meet the national ambient air quality standard:

Air Pollutant	Annual	Averaging Time (Hours)			
		24	8	3	1
Sulfur dioxide <sub>2</sub>	1.0 µg/m <sup>3</sup>	5.0 µg/m <sup>3</sup>	-----	25µg/m <sup>3</sup>	-----
PM10	1.0 µg/m <sup>3</sup>	5.0 µg/m <sup>3</sup>	-----	-----	-----
PM 2.5	0.3 µg/m <sup>3</sup>	1.2 µg/m <sup>3</sup>	-----	-----	-----
Nitrogen dioxide	1.0 µg/m <sup>3</sup>	-----	-----	-----	10 µg/m <sup>3</sup>
Carbon monoxide	-----	-----	500 µg/m <sup>3</sup>	-----	2 mg/m <sup>3</sup>

(B) Requirements and exemptions.

Major stationary sources or major modifications to which this section applies shall meet the LAER under paragraph (A)(1) of rule [3745-31-22](#) of the Administrative Code, the compliance certification under paragraph (A)(2) of rule [3745-31-22](#) of the Administrative Code, and the net air quality benefit under paragraph (A)(4) of rule [3745-31-22](#) of the Administrative Code. However, such major stationary sources or major modifications are exempt from the offset requirements under paragraph (A)(3) of rule [3745-31-22](#) of the Administrative Code.

(C) Review of specified major stationary sources for air quality impact.

(1) For sulfur dioxide, particulate matter, PM10, PM 2.5 and carbon monoxide, the determination of whether a major stationary source or major modification will cause or contribute to a violation of a national ambient air quality standard is be made on a case-by-case basis using the major stationary source's allowable emissions in an atmospheric dispersion model.

(2) For major stationary sources of nitrogen oxides, the initial determination of whether a major stationary source would cause or contribute to a violation of the national ambient air quality

standard for nitrogen dioxide will be made using an atmospheric model assuming all the nitric oxide emitted is oxidized to nitrogen dioxide by the time the plume reaches ground level. The initial concentration estimates may be adjusted if adequate data are available to account for the expected oxidation rate.

(3) For ozone, major stationary sources of VOCs, locating outside a designated ozone nonattainment area, will be presumed to have no significant impact on the designated nonattainment area. If ambient monitoring indicates that the area of major stationary source location is in fact nonattainment, then the major stationary source may be permitted under the provisions of the Ohio state implementation plan adopted pursuant to Section 110(A)(2)(d) of the Clean Air Act until the area is designated nonattainment and the Ohio state implementation plan revision is approved. If no Ohio state implementation plan pursuant to Section 110(A)(2)(d) of the Clean Air Act has been adopted and approved, then this rule shall apply.

(4) The determination as to whether a major stationary source would cause or contribute to a violation of a national ambient air quality standard should be made as of the new stationary source's start-up date. Therefore, if a designated nonattainment area is projected to be an attainment area as part of an approved Ohio state implementation plan control strategy by the new stationary source start-up date, offsets will not be required if the new stationary source would not cause a new violation.

(D) Major stationary sources located in clean air areas.

If the director finds that the emissions from a proposed major stationary source would cause a new violation of a national ambient air quality standards, but would not contribute to an existing violation, approval may be granted only if both of the following conditions are met:

(1)

(a) The major stationary source is required to meet a more stringent emission limitation and/or the control of existing stationary sources below allowable levels is required so that the major stationary source will not cause a violation of any national ambient air quality standard.

(b) If the director determines that technological or economic limitations on the application of measurement methodology to a particular class of major stationary sources would make the imposition of an enforceable numerical emission standard infeasible, the director may instead prescribe a design, operational, or equipment standard. Any permits issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained (or that the operational conditions will be properly performed) so as to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under Section 304 of the Clean Air Act. Thereafter, the term emission limitation shall also include such design, operational, or equipment standards.

(2) The new emission limitations for the major stationary source as well as any existing stationary sources affected must be federally enforceable.

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## **3745-31-24 Nonattainment provisions - baseline for determining credit for emission and air quality offsets.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

### (A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as nonattainment for an air pollutant for which the major stationary source or major modification is major.

### (B) Baseline for determining credit for emission offsets.

(1) The baseline for determining credit for emission offsets shall be the emission limit under the Ohio state implementation plan in effect at the time the application to construct or modify a source is filed. Thus, credit for emission offset purposes may be allowed for existing control that goes beyond that required by the Ohio state implementation plan. Where the Ohio state implementation plan does not contain an emission limitation for that source or source category, the emission offset baseline involving such sources shall be the actual emissions determined in accordance with the following:

(a) The baseline emissions for existing sources providing the offsets shall be calculated using the actual emissions definition specified in rule [3745-31-01](#) of the Administrative Code. The director shall allow a pounds per hour averaging period for determining emission offsets when a tons per year averaging period results in a significant over- or underestimation of emission offset credits.

(b) Where the emission limits under the Ohio state implementation plan allow greater emissions than the potential to emit of the source, emission offset credit will be allowed only for control below this potential.

(2) The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area for which the preconstruction review program was adopted.

### (C) Old growth cushion.

Only those emissions that have been set aside for new source growth in the most recent Ohio state implementation plan can be used by a major stationary source or major modification to offset emissions. Emissions reserved for new source growth in past Ohio state implementation plans cannot be used by a major stationary source or major modification to offset emissions.

### (D) Combustion of fuels.

Generally, the emissions for determining emission offset credit involving an existing fuel combustion stationary source will be the allowable emissions under the Ohio state implementation plan for the type of fuel being burned at the time the major stationary source application is filed (i.e., if the existing owner or operator of the stationary source has switched to a different type of fuel at some earlier date, any resulting emission reduction [either actual or allowable] shall not be used for emission offset credit). If the owner or operator of the existing stationary source commits to switch to a cleaner fuel at some future date, emission offset credit based on the allowable emissions for the fuel involved is not acceptable unless the permit is conditioned to require the use of specific alternative control measures that would achieve the same degree of emission reductions should the stationary source be switched back to a dirtier fuel at some later date. The applicant must provide information to the director that documents that adequate long-term supplies of the new fuel are available.

(E) Rocket engines or motors.

The director shall allow the owner or operator of a major stationary source to offset by alternative or innovative means emission increases from rocket engine and motor firing, and cleaning related to such firing, at an existing or modified major stationary source that tests rocket engines or motors under the following conditions:

(1) Any major modification proposed is solely for the purpose of expanding the testing of rocket engines or motors at an existing stationary source that is permitted to test such engines on November 15, 1990.

(2) The applicant demonstrates to the satisfaction of the director that it has used all reasonable means to obtain and utilize offsets, as determined on an annual basis, for the emission increases beyond allowable levels, that all available offsets are being used, and that sufficient offsets are not available to the major stationary source.

(3) The applicant has obtained a written finding from the United States department of defense, United States department of transportation, national aeronautics and space administration or other appropriate federal agency, that the testing of rocket motors or engines at the major stationary source is required for a program essential to the national security.

(4) The major stationary source will be in compliance with an alternative measure, imposed by the director, designed to offset any emission increases beyond permitted levels not directly offset by the stationary source.

(F) Operating hours and stationary source shutdown.

(1) The owner or operator of a stationary source may be credited with emission reductions achieved by shutting down an existing stationary source or permanently curtailing production or operating hours below baseline levels if the following requirements are met:

(a) Such reductions are surplus, permanent, quantifiable, and federally enforceable or legally and practicably enforceable by the state.

(b) The shutdown or curtailment occurred after the last day of the base year used for the Ohio state implementation planning process. For purposes of this paragraph, the director may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the most recent attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

(2) Emission reductions that do not meet the requirements of paragraph (F)(1) of this rule may be credited if the shutdown or curtailment occurred on or after the date the major stationary source application is filed, or, if the applicant can establish that the proposed major stationary source is a replacement for the shutdown or curtailed stationary source and the cutoff date provisions of paragraph (F)(1)(b) of this rule are observed.

(G) Credit for volatile organic compound (VOC) substitution.

No emission offset credit may be allowed for replacing one VOC with another of lesser reactivity, except for those compounds listed in Table 1 of the United States environmental protection agency's "Recommended Policy on Control of Volatile Organic Compounds".

(H) Banking of emission offset credit.

For owners or operators of major stationary sources obtaining permits by applying offsets after January 16, 1979, the director may allow offsets that exceed the requirements of reasonable progress toward attainment to be banked (i.e., saved to provide offsets for a major stationary source seeking a permit in the future) for use under this rule. Likewise, the director may allow the owner of an existing stationary source that reduces its own emissions to bank any resulting reductions beyond those required by the Ohio state implementation plan for use under this ruling, even if none of the offsets are applied immediately to a new major stationary source permit. The director may allow these banked offsets to be used under the preconstruction review program; as long as these banked emissions are consistent with the Ohio state implementation plan control strategy. The director may not approve the construction of a major stationary source using banked offsets if the new major stationary source would interfere with the Ohio state implementation plan control strategy or if such use would violate any other condition set forth for use of offsets.

(I) Offset credit for meeting new source performance standards or national emission standards for hazardous air pollutants.

Where a stationary source is subject to an emission limitation established in a new source performance standard or a national emission standard for hazardous air pollutants, (i.e., requirements under Sections 111 and 112, respectively, of the Clean Air Act), and a different Ohio State implementation plan limitation, the more stringent limitation shall be used as a baseline for determining credit for emission offsets. The difference in emissions between the Ohio state implementation plan and the new source performance standards or national emission standards for hazardous air pollutant standards, for such stationary source may not be used as offset credit.

(J) All emission reductions claimed as offset credit shall be federally enforceable.

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## **3745-31-25 Nonattainment provisions - location of offsetting emissions.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

### (A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as nonattainment for an air pollutant for which the major stationary source or major modification is major.

### (B) All regulated NSR pollutants as defined under rule [3745-31-01](#) of the Administrative Code.

The owner or operator shall obtain creditable emission reductions of any regulated NSR pollutant from the same source or other sources in the same nonattainment area, except that the director may allow the owner or operator of a major stationary source to obtain such emission reductions in another nonattainment area if the following requirements are met:

- (1) The other nonattainment area has an equal or higher nonattainment classification, provided that the higher offset ratio is utilized, than the nonattainment area in which the major stationary source is located, and;
- (2) Emissions from such other nonattainment area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the major stationary source is located.

### (C) Sulfur dioxide, particulate matter, PM10, PM 2.5, lead and carbon monoxide.

Since the air quality impact of sulfur dioxide, particulate matter, PM10, PM 2.5, lead and carbon monoxide is site dependent, simple area wide mass emission offsets may not be appropriate. For these air pollutants, the director may require atmospheric dispersion modeling to ensure that the emission offsets provide a positive net air quality benefit. This modeling shall be conducted in accordance with the director's guidance.

Replaces: 3745-31-25

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### 3745-31-26 Nonattainment provisions - offset ratio requirements.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

(A) In meeting the emissions offset in rules [3745-31-21](#) to [3745-31-27](#) of the Administrative Code, the following shall occur:

(1) The ratio of total actual emissions reductions to the emissions increase shall be at least 1.0 to 1.0 unless an alternative ratio is provided for the applicable nonattainment area in paragraphs (C) and (D) of this rule.

(2) The emissions offsets obtained shall be for the same regulated NSR pollutant except for interprecursor offsetting permitted under paragraph (D) of this rule.

(B) Offsets may be obtained from areas that have a higher nonattainment classification, provided the higher offset ratio is utilized, than the nonattainment area in which the major stationary source is to be located.

(C) Ozone nonattainment area offset requirements for VOC and nitrogen oxides are as follows:

(1) In areas that are not classified as marginal, moderate, serious, severe or extreme areas, the offset ratio shall be greater than 1.0 to 1.0.

(2) Marginal areas, the minimum required offset ratio is 1.1 to 1.0.

(3) Moderate areas, the minimum required offset ratio is [1.15](#) to 1.0.

(4) Serious areas, the minimum required offset ratio is 1.2 to 1.0.

(5) Severe areas, the minimum required offset ratio is 1.3 to 1.0.

(6) Extreme areas, the minimum required offset ratio is 1.5 to 1.0.

(E) Nitrogen oxides waiver.

Paragraph (A) of this rule shall not apply in areas designated nonattainment for ozone that have been granted a nitrogen oxide waiver under Section 182(f) of the Clean Air Act.

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## [3745-31-27 Nonattainment provisions - administrative procedures for emission offsets.](#)

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

### (A) Procedures for emission offsets.

Emission offsets may be proposed by either the owner or operator of the proposed major stationary source or by the local community or the state. The emission reduction committed to must be enforceable by authorized state or local agencies and under the Clean Air Act, and must be accomplished by the new major stationary source's start-up date. If emission reductions are to be obtained in a state that neighbors the state in which the new major stationary source is to be located, the emission reductions committed to must be enforceable by the neighboring state and/or local agencies and under the Clean Air Act. Where the new major stationary source is a replacement for a major stationary source that is being shut down in order to provide the necessary offsets, the director may allow up to one hundred eighty days for shakedown of the new major stationary source before the existing major stationary source is required to cease operation.

#### (1) Major stationary source initiated emission offsets.

The owner or operator of a major stationary source may propose emission offsets that involve the following:

(a) Reductions from stationary sources controlled by the major stationary source owner or operator (internal emission offsets).

(2) State or community initiated offsets. A state or community may generate emission offsets to provide to a major stationary source wishing to locate in its area. These emission offsets may come from reducing emissions from existing emissions units, mobile sources, or area sources. State or community initiated offsets either must be submitted as an Ohio state implementation plan revision or must be contained in a federally enforceable permit.

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## **3745-31-29 General permit-to-install and general PTIO.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

(A) Development of model general permits.

The director may develop a model general permit for any category of air contaminant sources, or specific portions of any category of air contaminant sources, subject to the following conditions:

(1) A model general permit shall apply to the following:

(a) Processes producing the same or similar products.

(b) Processes emitting the same or similar air contaminants.

(c) Methods for capturing and controlling the air contaminants that are the same or limited to a small number of specific alternatives.

(d) Processes that are subject to the same emission limitations, monitoring requirements, federal standards, or state rules.

(2) A model general permit shall identify criteria by which an air contaminant source may qualify for the associated general permit and shall include terms and conditions under which the owner or operator agrees to install and/or operate the permitted air contaminant source. At a minimum, these terms and conditions shall include the following:

(a) Applicable emission limitations and/or control requirements.

(b) Any necessary operational restrictions.

(c) Any necessary monitoring, reporting and recordkeeping requirements.

(d) Testing requirements.

(3) The director shall provide an opportunity for public comment on the form and content of a model general permit as follows:

(a) The director shall announce availability for comment on draft model general permits under development containing the requirements in paragraph (A)(2) of this rule, providing a minimum of thirty days comment period. The director shall publish notice in Ohio's major newspapers, the Ohio environmental protection agency publication, "Weekly Review," on the Ohio environmental protection agency website, and provide electronic notification to interested parties.

(b) The director shall announce the final form of model general permits that were under development by publishing notice in Ohio's major newspapers, the "Weekly Review," on the Ohio environmental protection agency website, and provide electronic notification to interested parties.

(c) Final model general permits are not actions of the director and are, therefore, not subject to appeal.

(4) Model general permits shall be reviewed at least once every five years from the date of announcement of the final form.

(a) The review of the model general permit shall follow the same procedures for public comment as the draft and final form of the model general permits under development pursuant to paragraph (A)(3) of this rule.

(b) Any person may make a written request for the Ohio environmental protection agency review of the model general permit document prior to the Ohio environmental protection agency initiated review. Upon receipt of the request, the Ohio environmental protection agency will initiate the review procedure described in this rule.

(5) Only the director may modify model general permits. Modifications to model general permits shall follow the same procedures pursuant to paragraph (A)(3) of this rule, except administrative modifications may occur without following the rules of procedure contained within this chapter. Existing final general permits are not affected by changes to the model general permit.

(B) General permit-to-install and general PTIO applicability.

A general permit-to-install or general PTIO may be applied for and obtained if all of the following apply:

(1) All of the qualifications and requirements described in this chapter are met, except as noted in paragraph (C)(2) of this rule.

(2) The air contaminant source meets all of the qualifications listed in the requested model general permit.

(3) The requested air contaminant source are not affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the Clean Air Act.

(4) The requested air contaminant source is not part of a new major stationary source or major modification subject to the attainment or nonattainment provisions contained in rules [3745-31-10](#) to [3745-31-27](#) of the Administrative Code.

(C) General permit application.

(1) Owners or operators of air contaminant sources requesting a general permit-to-install or general PTIO shall do so using the forms prepared by the Ohio environmental protection agency. The application must include all information necessary to determine qualification for, and to assure compliance with, the general permit-to-install or general PTIO.

(2) The application submitted shall comply with the requirements listed under rule [3745-31-04](#) of the Administrative Code except that the director may provide, in the model general permit-to-install or model general PTIO, for applications that deviate from the requirements of rule [3745-31-04](#) of the Administrative Code, provided that such application includes all information necessary to determine qualification for, and assure compliance with, the general permit-to-install or general PTIO.

(D) General permit processing.

The director may issue a general permit-to-install or general PTIO for any model general permit developed in accordance with paragraph (A) of this rule for a new air contaminant source or modification of an existing air contaminant source as follows:

(1) The director, at the director's discretion, shall issue either a draft action or a final action within forty-five days of receipt of a complete application. The director does not need to meet the forty-five day deadline for applications from air contaminant sources that do not require authorization to construct because the air contaminant source currently holds a permit covering the source that would be covered under the general permit-to-install or general PTIO.

(2) The director shall comply with the procedures for notification under Chapter 3745-49 of the Administrative Code prior to issuing a general permit-to-install or general PTIO as follows:

(a) The director shall provide notification of requests by owners or operators of an air contaminant source to be covered under the terms of the general permit-to-install or general PTIO. The director shall publish notice in a newspaper of general circulation in each county in which the air contaminant source would be constructed, and provide electronic notification to interested parties.

(b) The director shall maintain, and make available to the public upon request, a list of all air contaminant source that have obtained a general permit-to-install or general PTIO.

(3) The director may require any applicant applying for a general permit-to-install or general PTIO to apply for and obtain an individual permit if it is determined that unique site specific circumstances warrant additional limitations or permit conditions to control or mitigate environmental impacts that were not considered and addressed in the development and issuance of the general permit-to-install or general PTIO.

(4) Authorization to construct under the general permit-to-install or general PTIO shall be granted by the director in the form of a final permit action.

(5) If the model general permit that was the basis of any final general permit-to-install or general PTIO has been changed per the procedures in paragraph (A)(3) of this rule, then the director can issue revised general permits-to-install or general PTIOs with prior notice to the affected owner or operator following the issuance procedures defined in paragraph (D)(2) of this rule.

(E) Start construction limitation.

The owner or operator of a new or modified air contaminant source that qualifies for a general permit-to-install or general PTIO may not begin actual construction of the new or modified air contaminant source until the air contaminant source's owner or operator has been granted the authorization required by the director under paragraph (D)(4) of this rule.

(F) Modification or replacement of equipment.

(1) If the owner or operator of the air contaminant source covered by a general permit-to-install or general PTIO wishes to replace the air contaminant source, then the owner or operator must apply for and obtain either a general permit-to-install, general PTIO, individual permit-to-install, or an individual PTIO prior to beginning actual construction.

(2) If the owner or operator of the air contaminant source covered by a general permit-to-install or general PTIO wishes to modify the air contaminant source (per rule [3745-31-01](#) of the Administrative Code), then the owner or operator must apply for and obtain either a general permit-to-install, general PTIO, individual permit-to-install, or individual PTIO prior to beginning actual construction.

(3) If the owner or operator of the air contaminant source covered by a general permit-to-install or general PTIO wishes to administratively modify the air contaminant source, then the owner or operator must submit a request to the director, with supporting documentation, for that request.

(G) A general PTIO shall be effective for a period of time consistent with the requirements of division (F) of section [3704.03](#) of the Revised Code.

(H) General permit termination.

(1) Any owner or operator who was issued a general permit-to-install or general PTIO may request to be excluded from the coverage of the general permit-to-install or general PTIO by applying for an individual permit, alternative general permit-to-install, or alternative general PTIO. The owner or operator shall submit an application with reasons supporting the request. If the director issues an individual permit, alternative general permit-to-install, or alternative general PTIO the applicability of the general permit-to-install or general PTIO to the individual permittee is automatically terminated on the effective date of the individual permit, alternative general permit-to-install, or alternative general PTIO.

(2) The director may revoke a general permit-to-install or general PTIO per rule [3745-31-07](#) of the Administrative Code.

(I) Enforcement action for failure to qualify or comply.

An air contaminant source's owner or operator who requests and is granted authority to install under a general permit-to-install or general PTIO shall be subject to enforcement action for installation without a permit if the air contaminant source is later determined not to qualify for the conditions and terms of the general permit-to-install or general PTIO.

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## **3745-31-32 Plantwide applicability limit (PAL).**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule [3745-31-01](#) of the Administrative Code entitled, "referenced materials."]

Actuals PAL requirements.

All PALs issued under this rule shall meet all applicable provisions in this rule.

(A) Applicability.

(1) The director may approve the use of an actuals PAL for any existing major stationary source (except as provided in paragraph (A)(2) of this rule) if the PAL meets the requirements in this rule. The term PAL shall mean actuals PAL throughout this rule.

(2) The director shall not allow an actuals PAL for VOC or nitrogen oxides for any major stationary source located in an extreme ozone nonattainment area.

(3) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in this rule, and complies with the PAL permit:

(a) Is not a major modification for the PAL pollutant.

(b) Does not have to be approved through the nonattainment or PSD program.

(c) Is not subject to the provisions in paragraph (D)(5) of rule [3745-31-05](#) of the Administrative Code (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the nonattainment or PSD program).

(4) Except as provided under paragraph (A)(3)(c) of this rule, a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

(B) Permit application requirements.

As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the director for approval:

(1) A list of all emissions units at the source designated as PAL small emissions unit, PAL significant emissions unit or PAL major emissions unit based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations or work practices apply to each unit.



(2) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown and malfunction.

(3) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a twelve-month rolling total for each month as required by paragraph (L)(1) of this rule.

(C) General requirements for establishing PALs.

(1) The requirements under this paragraph, at a minimum, shall be met for each PAL at a major stationary source:

(a) The PAL shall impose an annual emission limitation in tons per year, which is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous twelve consecutive months is less than the PAL (a twelve-month average, rolled monthly). For each month during the first eleven months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(b) The PAL shall be established in a PAL permit that meets the requirements in paragraph (D) of this rule.

(c) The PAL permit shall contain all the requirements of paragraph (F) of this rule.

(d) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(e) Each PAL shall regulate emissions of only one pollutant.

(f) Each PAL shall have a PAL effective period of ten years.

(g) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (K) to (M) of this rule for each emissions unit under the PAL through the PAL effective period.

(2) At no time (during or after the PAL effective period) are emission reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under rule [3745-31-22](#) of the Administrative Code unless the level of the PAL is reduced by the amount of such emission reductions and such reductions would be creditable in the absence of the PAL.

(D) PAL permit issuance requirements.

(1) The director shall issue all typographical/calculation error reopenings (as described in paragraph (G)(2)(a) of this rule) to PAL permits as either draft actions before any final actions, or final actions, as described in Chapter 3745-49 of the Administrative Code.

(2) The director shall issue all PAL permits not otherwise described in paragraph (D)(1) of this rule as draft actions before any final actions, as described in Chapter 3745-49 of the Administrative Code.

(E) Setting the ten-year actuals PAL level.

(1) Except as provide in paragraph (E)(2) of this rule, the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under rule [3745-31-01](#) of the Administrative Code or under the Clean Air Act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive twenty-four-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive twenty-four-month period may be used for each different PAL pollutant. Emissions associated with emissions units that were permanently shut down after this twenty-four-month period must be subtracted from the PAL level. Emissions from emissions units on which actual construction began after the twenty-four-month period must be added to the PAL level in an amount equal to the potential to emit of the units. The director shall specify a reduced PAL level, in tons per year, in the PAL permit to become effective on the future compliance date of any applicable federal or state regulatory requirement that the director is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of sixty parts per million nitrogen oxides to a new rule limit of thirty parts per million, then the PAL permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such emissions unit.

(2) For newly constructed emissions units, which do not include modifications to existing emissions units, on which actual construction began after the twenty-four-month period, in lieu of adding the baseline actual emissions as specified in paragraph (E)(1) of this rule, the emissions must be added to the PAL level in an amount equal to the potential to emit of the emissions units.

(F) Contents of the PAL permit.

The PAL permit shall contain, at a minimum, the following information:

(1) The PAL pollutant and the applicable source-wide emission limitation in tons per year.

(2) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(3) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with paragraph (I) of this rule before the end of the PAL effective

period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the director.

(4) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns and malfunctions.

(5) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of paragraph (H) of this rule.

(6) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a twelve-month rolling total for each month as required by paragraph (L)(1) of this rule.

(7) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under paragraph (K) of this rule.

(8) A requirement to retain the records required under paragraph (L) of this rule on site. Such records may be retained in an electronic format.

(9) A requirement to submit the reports required under paragraph (M) of this rule by the required deadlines.

(10) Any other requirements that the director deems necessary to implement and enforce the PAL.

(G) PAL effective period and reopening of the PAL permit.

(1) PAL effective period.

A PAL shall have an effective period of ten years.

(2) Reopening of the PAL permit.

(a) During the PAL effective period, the director shall reopen the PAL permit to:

(i) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.

(ii) Reduce the PAL if the owner or operator of the major stationary source creates creditable emission reductions for use as offsets under rule [3745-31-22](#) of the Administrative Code.

(iii) Revise the PAL to reflect an increase in the PAL as provided under paragraph (A)(10) of this rule.

(b) The director may reopen the PAL permit for the following:

(i) Reduce the PAL to reflect newly applicable federal requirements (for example, new source performance standards) with compliance dates after the PAL effective date.

(ii) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the director may impose on the major stationary source.

(iii) Reduce the PAL if the director determines that a reduction is necessary to avoid causing or contributing to a national ambient air quality standard or PSD increment violation, or to an adverse impact on an air quality related value (AQRV) that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

(c) Except for the permit reopening in paragraph (G)(2)(a)(i) of this rule for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of paragraph (D) of this rule.

(H) Expiration of a PAL.

Any PAL that is not renewed in accordance with the procedures in paragraph (I) of this rule shall expire at the end of the PAL effective period, and the following shall apply.

(1) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following.

(a) Within the time frame specified for PAL renewals in paragraph (I)(2) of this rule, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the director) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (I)(5) of this rule, such distribution shall be made as if the PAL had been adjusted.

(b) The director shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the director determines is appropriate.

(2) Each emissions unit shall comply with the allowable emission limitation on a twelve-month rolling basis. The director may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.

(3) Until the director issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (H)(1)(a) of this rule, the

source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

(4) Any physical change or change in the method of operation at the major stationary source will be subject to the nonattainment or a major NSR requirements if such change meets the definition of PAL major modification.

(5) The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements (BACT, reasonably available control technology (RACT), new source performance standard (NSPS), LAER etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to paragraph (E) of rule [3745-31-05](#) of the Administrative Code, but were eliminated by the PAL in accordance with the provisions in paragraph (A)(3)(c) of this rule.

(I) Renewal of a PAL.

(1) The director shall follow the procedures specified in paragraph (D) of this rule in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the director.

(2) Application deadline.

A major stationary source owner or operator shall submit a timely application to the director to request renewal of a PAL. A timely application is one that is submitted at least six months prior to, but not earlier than eighteen months from, the date of PAL permit expiration. This deadline for application submittal is to ensure that the PAL permit will not expire before the PAL permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised PAL permit with the renewed PAL is issued.

(3) Application requirements.

The application to renew a PAL permit shall contain the following information:

(a) The information required under paragraph (B) of this rule.

(b) A proposed PAL level.

(c) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

(d) Any other information the owner or operator wishes the director to consider in determining the appropriate level for renewing the PAL.

(4) PAL adjustment.

In determining whether and how to adjust the PAL, the director shall consider the following options:

(a) If the emissions level calculated in accordance with paragraph (E) of this rule is equal to or greater than eighty per cent of the PAL level, the director may renew the PAL at the same level without considering the factors set forth in paragraph (I)(4)(b) of this rule .

(b) The director may set the PAL at a level that he/she determines to be more representative of the source's baseline actual emissions, or that he/she determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emission reductions, or other factors as specifically identified by the director in a written rationale.

(c) In no case may any such adjustment fail to comply with the following:

(i) If the potential to emit of the major stationary source is less than the PAL, the director shall adjust the PAL to a level no greater than the potential to emit of the source.

(ii) The director shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (J) of this rule.

(5) If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the director has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

(J) Increasing a PAL during the PAL effective period.

(1) The director may increase a PAL emission limitation only if the major stationary source complies with the following:

(a) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(b) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the PAL small emissions units, plus the sum of the baseline actual emissions of the PAL significant and PAL major emissions units assuming application of BACT equivalent controls, plus the sum of the PAL allowable emissions of the new or modified emissions unit exceeds the PAL. The level of control that would result from BACT equivalent controls on each PAL significant or PAL major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was

established within the preceding ten years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(c) The owner or operator obtains a nonattainment NSR permit or PSD permit for all emissions unit identified in paragraph (J)(1)(a) of this rule, regardless of the magnitude of the emissions increase resulting from them, that is, no significant levels apply. These emissions unit shall comply with any emissions requirements resulting from the major NSR program process, for example, LAER/BACT, even though they have also become subject to the PAL or continue to be subject to the PAL.

(d) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(2) The director shall calculate the new PAL as the sum of the PAL allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the PAL significant and PAL major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (J)(1)(b) of this rule, plus the sum of the baseline actual emissions of the PAL small emissions units.

(3) The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph (D) of this rule.

(K) Monitoring requirements for PALs.

(1) General requirements.

(a) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(b) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth under paragraph (K)(2) of this rule and must be approved by the director.

(c) Notwithstanding paragraph (K)(1)(b) of this rule, you may also employ an alternative monitoring approach that meets paragraph (K)(1)(a) of this rule if approved by the director.

(d) Failure to use a monitoring system that meets the requirements of this rule renders the PAL invalid.

(2) Minimum performance requirements for approved monitoring approaches.

The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements under paragraph (K)(3) of this rule:

- (a) Mass balance calculations for activities using coatings or solvents.
  - (b) CEMS.
  - (c) CPMS or PEMS.
  - (d) Emission factors.
- (3) Mass balance calculations.

An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following:

- (a) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit.
- (b) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process.
- (c) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the director determines there is site-specific data or a site-specific monitoring program to support another content within the range.

- (4) CEMS.

An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following:

- (a) CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B.
- (b) CEMS must sample, analyze and record data at least every fifteen minutes while the emissions unit is operating.

- (5) CPMS or PEMS.

An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following:

- (a) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter and the PAL pollutant emissions across the range of operation of the emissions unit.



(b) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen minutes, or at another less frequent interval approved by the director, while the emissions unit is operating.

(6) Emission factors.

An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following:

(a) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development.

(b) The emissions unit shall operate within the designated range of use for the emission factor, if applicable.

(c) If technically practicable, the owner or operator of a PAL significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of PAL permit issuance, unless the director determines that testing is not required.

(7) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(8) Notwithstanding the requirements in paragraphs (K)(3) to (K)(7) of this rule, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter and the PAL pollutant emissions rate at all operating points of the emissions unit, the director shall, at the time of PAL permit issuance, do the following:

(a) Establish default value for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point.

(b) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter and the PAL pollutant emissions is a violation of the PAL.

(9) Re-validation.

All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the director. Such testing must occur at least once every five years after issuance of the PAL.

(L) Recordkeeping requirements.

(1) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this rule and of the PAL, including a

determination of each emissions unit's twelve-month rolling total emissions, for five years from the date of such record.

(2) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:

(a) A copy of the PAL permit application and any applications for revisions to the PAL.

(b) Each annual certification of compliance pursuant to Title V and the data relied on in certifying the compliance.

(M) Reporting and notification requirements.

The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the director in accordance with the applicable Title V operating permit program. The reports shall meet the following:

(1) Semi-annual report.

The semi-annual report shall be submitted to the director within thirty days of the end of each reporting period. This report shall contain the following information:

(a) The identification of owner and operator, the facility ID, and the permit-to-install numbers for any applicable permit-to-install.

(b) Total annual emissions, in tons per year, based on a twelve-month rolling total for each month in the reporting period recorded pursuant to paragraph (L)(1) of this rule.

(c) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions.

(d) A list of any emissions units modified or added to the major stationary source during the preceding six-month period.

(e) The number, duration, and cause of any deviations or monitoring malfunctions, other than the time associated with zero and span calibration checks, and any corrective action taken.

(f) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the PAL permit, as provided by paragraph (K)(7) of this rule.

(g) A signed statement by the responsible official, as defined by the Title V operating permit program contained in Chapter 3745-77 of the Administrative Code, certifying the truth, accuracy, and completeness of the information provided in the report.

(2) Deviation report.

The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to paragraph (A)(3)(c)(iii) of rule [3745-77-07](#) of the Administrative Code shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the rule [3745-77-07](#) of the Administrative Code. The reports shall contain the following information:

(a) The identification of owner and operator, the facility ID, and the permit-to-install numbers for any applicable permit-to-install.

(b) The PAL requirement that experienced the deviation or that was exceeded.

(c) Emissions resulting from the deviation or the exceedance.

(d) A signed statement by the responsible official (as defined by the Title V operating permit program contained in Chapter 3745-77 of the Administrative Code) certifying the truth, accuracy, and completeness of the information provided in the report.

(3) Re-validation results.

The owner or operator shall submit to the director the results of any re-validation test or method within three months after completion of such test or method.

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