

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.
- (I) "Air contaminant source," for the purpose of this chapter, means each separate operation, or activity that results or may result in the emission of any of the following air contaminants:
- (1) An air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the Clean Air Act.
  - (2) An air contaminant for which the source is regulated under the Clean Air Act.
  - (3) A toxic air contaminant as listed in rule 3745-114-01 of the Administrative Code.
- (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 PM10; or equal to or greater than 0.3 microgram per cubic meter for PM2.5.

Any baseline area 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 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 does either of the following:

- (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 the following:

- (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; ~~and,~~
- (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 done either of the following:

(1) Begun, or caused to begin, a continuous program of actual on-site construction or 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 any of the following:

(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)~~ value 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 do any of the following:
- (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);
  - (5) Are a combination of paragraphs (HH)(1) to (HH)(4) of this rule.

- (II) "Criteria pollutant" means PM10, PM2.5, 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 any of the following:
- (1) An emergency caused by flooding, damaging winds or tornado, fire, or other natural disaster.
  - (2) An electric power outage due to a failure or interruption 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.
  - (4) Conditions where a regional transmission organization notifies electric distributors that an emergency exists or may occur and it is necessary to implement emergency procedures for voluntary load curtailments by customers within Ohio, in response to unusually low frequency, equipment overload, capacity or energy deficiency, unacceptable voltage levels, or other emergency conditions leading to a potential electric blackout.
- (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. Examples include stationary engines used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary engines used to pump water in the case of fire or flood, etc. Interruptions for preventative maintenance on power supply systems are included.
- (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 provided in paragraph (NN)(2)(d) of this rule 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.

(f) Emergency engines may be operated for up to fifty hours per calendar year in non-emergency situations other than those described in paragraphs (NN)(2)(a) to (NN)(2)(d) of this rule. The fifty hours of operation in non-emergency situations are counted as part of the one hundred hours per calendar year for maintenance and testing and emergency demand response.

(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~~ The two types of emissions units are as follows:

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

(BBB) "~~Indian reservation~~" "Tribal lands" 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 the following:

- (1) Any physical change in or change in the method of operation of a major stationary source that would result in ~~a~~ any 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~~ the NSR project 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~~ the NSR project 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~~ the NSR project 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~~ the NSR project 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 the following:

- (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 PM2.5, 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 as follows:
- (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 PM2.5, 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 any of the following:
  - (a) Any air contaminant source that does any one or a combination of the following:
    - (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.
- (b) Any significant air contaminant source project that, for the specific air contaminant or air contaminants for which the air contaminant source project is classified as a significant air contaminant source project, results in an increase in the ambient air quality impact of the air contaminant source project greater than the following levels as determined by atmospheric dispersion modeling or by another method acceptable to the director:

- (i) Carbon monoxide - five hundred seventy-five  $\mu\text{g}/\text{m}^3$ , eight-hour average.
- (ii) Nitrogen dioxide - fourteen  $\mu\text{g}/\text{m}^3$ , annual average.
- (iii) Directly emitted particulate matter less than 2.5 microns (PM<sub>2.5</sub>)-four  $\mu\text{g}/\text{m}^3$ , twenty-four-hour average.
- (iv) Particulate matter less than ten microns (PM<sub>10</sub>) - ten  $\mu\text{g}/\text{m}^3$ , twenty-four-hour average.
- (v) Sulfur dioxide - thirteen  $\mu\text{g}/\text{m}^3$ , twenty-four-hour average.
- (vi) Lead - 0.1  $\mu\text{g}/\text{m}^3$ , three-month average.

(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~~ the increase or decrease 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~~ the increase or decrease 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~~ the increase or decrease 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~~ the decrease in issuing any permit under regulations pursuant to 40 CFR ~~Part~~ part 51, ~~Subpart~~ subpart I or the director has not relied on ~~it~~ the decrease 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~~ part 51, ~~Appendix~~ appendix S, ~~Sections~~ sections I ~~through~~ to 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, any of the following:

(1) Except as discussed in paragraph (CCCC)(2) of this rule, a non-road engine, as defined in 40 CFR 89.2, is any internal combustion engine that meets the following:

(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 internal combustion engine is not a non-road engine if it meets any of the following ~~apply~~:

(a) The engine is used to propel a motor vehicle, an aircraft, or ~~a vehicle equipment~~ 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~~The engine is regulated under 40 CFR part 60, (or otherwise regulated by a federal New Source Performance Standard promulgated under section 111 of the Clean Air Act (42 U.S.C. 7411) .

(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~~ Provisions in 40 CFR 1068.31 apply if the engine is removed from the location.

- (d) ~~Engines~~ Aircraft 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~~ parts 7, 31, 32, 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).~~
- (f) Locomotive engines that meet one of the following:
  - (i) Are subject to the standards of 40 CFR part 92.
  - (ii) Are exempted from the requirements of 40 CFR part 92 by exemption provisions of 40 CFR part 92 other than those specified in 40 CFR 92.907.
  - (iii) Are marine engines, as defined in 40 CFR part 94, with rated power at or above 37kW that are manufactured in calendar years in which the standards of 40 CFR part 94 are not yet applicable.
- (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.~~
- (g) Hobby engines installed in reduced-scale models of vehicles that are not capable of transporting a person.
- (h) ~~Engines with a per cylinder displacement of less than fifty cubic centimeters.~~

(h) Tier 4 engines that are subject to emission standards under 40 CFR part 1039. See 40 CFR 1039.1 to determine when that part 1039 applies. Note that certain requirements and prohibitions apply to engines built on or after January 1, 2006 if they are installed in stationary applications or in equipment that will be used solely for competition, as described in 40 CFR 1039.1 and 40 CFR 1068.1; those provisions apply instead of the provisions of 40 CFR part 89.

(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~~ as follows:-

(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.
- (QQQQ) "Permanent" means that emission reductions used to offset emission increases are assured for the life of the corresponding increase through a federally enforceable mechanism, through restrictions that are legally and practically enforceable by the state, or because emissions are no longer physically or operationally possible, whether the corresponding increase is limited or unlimited

in duration.

(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) "PM2.5" 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~~ part 50 ~~Appendix~~ appendix L and designated in accordance with 40 CFR ~~Part~~ part 53 or an equivalent method designated in 40 CFR ~~Part~~ part 53.

(UUUU) "PM2.5 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 PM2.5 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) "PM2.5 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~~ part 51, ~~Appendix~~ appendix M.

(WWWW) "PM2.5 precursor" means those air pollutants other than PM2.5 direct emissions that Ohio EPA has demonstrated with USEPA approval, significantly contribute to the formation of PM2.5 in a specific area. PM2.5 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~~ part 50, ~~Appendix~~ appendix J and designated in accordance with 40 CFR ~~Part~~ part 53 or an equivalent method designated in 40 CFR ~~Part~~ 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~~ part 51, ~~Appendix~~ 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~~ the emission unit's or stationary source's design if the limitation or the effect ~~is~~ the limitation 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~~ 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, the owner or operator 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.

(IIII) "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.

(JJJJ) "Quantifiable" means that the amount, rate and characteristics of emissions and emission reductions can be determined or measured through a reliable and replicable method.

(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<sup>x</sup> 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 part~~ part 60, ~~Subpart~~ 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<sub>2.5</sub> in all PM<sub>2.5</sub> nonattainment

areas.

- (iii) Nitrogen oxides are a precursor to PM<sub>2.5</sub> in all PM<sub>2.5</sub> nonattainment areas.
  - (d) PM<sub>2.5</sub> emissions and PM<sub>10</sub> 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<sub>2.5</sub> and PM<sub>10</sub> in nonattainment new source review permits. Compliance with emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> 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, any of the following:
    - (i) PM<sub>2.5</sub> emissions, and PM<sub>10</sub> 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<sub>2.5</sub> and PM<sub>10</sub> in PSD permits. Compliance with emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> 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<sub>2.5</sub> in all attainment and unclassifiable areas.

(c) Nitrogen oxides are a precursor to PM<sub>2.5</sub> 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;

(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 following 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~~ the emissions unit shall constitute a new emissions unit.

(PPPPP) "Repowering" means the following:

- (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~~ 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) PM2.5.
  - (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
PM2.5	10 (of direct PM2.5 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 octa-chlorinated 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 along side 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."
- (BBBBB) "Surplus" means emission reductions made below an applicable source

baseline which conform to the following:

- (1) Are below allowable emission rates.
- (2) The state of Ohio has not relied on the emission reduction in a required attainment demonstration of a national ambient air quality standard or a demonstration of reasonable further progress.
- (3) The director has not relied on the emission reduction in issuing any permit under this chapter.
- (4) Is not required by any applicable laws.

Emission reductions can be used for offsets or emission reduction credits to the extent allowed under state or federal law.

(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~~ the project is terminated.

(DDDDDD) "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~~ 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~~ and 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) "American Society for Testing Materials" (ASTM). Information and copies of documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are also available for purchase at [www.astm.org](http://www.astm.org). ASTM documents are also available for inspection and use at most public libraries and "The State Library of Ohio."

~~(b)~~(c) 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>.

- ~~(e)~~(d) 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)~~(e) 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)~~(f) 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)~~(g) 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)~~(h) 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)~~(i) 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)~~(j) 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>.

~~(i)~~(k) 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)~~(l) 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."

~~(i)~~(m) 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)~~(n) 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>.

(o) Lange's Handbook of Chemistry. Information and copies can be obtained by contacting: "McGraw-Hill Publishing, 104 Windsor Center Drive Suite 400 East Windsor, NJ 08520;" by calling (800) 722-4726, by electronic mail at [customer.service@mcgraw-hill.com](mailto:customer.service@mcgraw-hill.com), or by visiting their website at <http://www.mhprofessional.com/index.php>.

~~(n)~~(p) 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>.

~~(e)~~(q) 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).

(r) Perry's Chemical Engineer's Handbook; Information and copies can be obtained by contacting: "McGraw-Hill Publishing, 104 Windsor Center Drive Suite 400 East Windsor, NJ 08520;" by calling (800) 722-4726, by electronic mail at [customer.service@mcgraw-hill.com](mailto:customer.service@mcgraw-hill.com), or by visiting their website at <http://www.mhprofessional.com/index.php>.

~~(p)~~(s) 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."

~~(e)~~(t) 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."

~~(#)~~(u) 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."

(v) Underwriters Laboratory (UL). Information and copies may be ordered by writing to: "Underwriters Laboratories, 25175 Regency Drive Novi, MI 48375-2155" or by calling 1-877-854-3577. Copies can also be obtained electronically at: <http://ulstandards.ul.com/>. Copies of the standard are also available for inspection and use at most public libraries and "The State Library of Ohio."

~~(s)~~(w) 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~~ part 7; "Testing by Applicant or Third Party;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (c) 30 CFR ~~Part~~ part 36; "Approval Requirements for Permissible Mobile Diesel-Powered Transportation Equipment;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (d) 30 CFR ~~Part~~ part 56; "Safety and Health Standards--Surface Metal and Nonmetal Mines;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (e) 30 CFR ~~Part~~ part 57; "Safety and Health Standards--Underground Metal and Nonmetal Mines;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (f) 30 CFR ~~Part~~ part 70; "Mandatory Health Standards--Underground Coal Mines;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (g) 30 CFR ~~Part~~ part 75; "Mandatory Safety Standards--Underground Coal Mines;" as published in the July 1, ~~2012~~ 2014 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~~ 2014 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 60.5375; "What standards apply to gas well affected facilities?;" as published in the July 1, 2014 Code of Federal Regulations.
- (q) 40 CFR 60.5410; "How do I demonstrate initial compliance with the standards for my gas well affected facility, my centrifugal compressor affected facility, my reciprocating compressor affected facility, my

pneumatic controller affected facility, my storage vessel affected facility, and my equipment leaks and sweetening unit affected facilities at onshore natural gas processing plants?;" as published in the July 1, 2014 Code of Federal Regulations.

(r) 40 CFR 60.5420; "What are my notification, reporting, and recordkeeping requirements?;" as published in the July 1, 2014 Code of Federal Regulations.

~~(p)~~(s) 40 CFR 63.6640; "How do I demonstrate continuous compliance with the emission limitations and operating limitations?;" as published in the July 1, ~~2013~~ 2014 Code of Federal Regulations.

~~(q)~~(t) 40 CFR 81.336; "Designation of Area for Air Quality Planning Purposes- Ohio;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.

~~(r)~~(u) 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)~~(v) 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)~~(w) 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.

(x) 40 CFR 1039.1; "Does this part apply for my engines?;" 69 FR 39213, June 29, 2004, as amended at 70 FR 40462, July 13, 2005; 71 FR 39184, July 11, 2006.

(y) 40 CFR 1068.1; "Does this part apply to me?;" 76 FR 57488, Sept. 15, 2011, as amended at 77 FR 36386, June 18, 2012; 78 FR 36399, June 17, 2013.

(z) 40 CFR 1068.31; "What provisions apply to nonroad or stationary engines that change their status?;" 73 FR 59344, Oct. 8, 2008, as amended at 75 FR 23059, Apr. 30, 2010.

- (~~u~~)(aa) 40 CFR ~~Part part~~ part 50, ~~Appendix appendix~~ J; "Reference Method for the Determination of Particulate Matter as PM10 in the Atmosphere;" 36 FR 22384, Nov. 25, 1971; 52 FR 24664, July 1, 1987; 52 FR 29467, Aug. 7, 1987.
- (~~v~~)(bb) 40 CFR ~~Part part~~ part 50, ~~Appendix appendix~~ L; "Reference Method for the Determination of Fine Particulate Matter as PM2.5 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~~)(cc) 40 CFR ~~Part part~~ part 51; "Requirements for preparation, adoption, and submittal of implementation plans;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (~~x~~)(dd) 40 CFR ~~Part part~~ part 51, ~~Appendix 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~~)(ee) 40 CFR ~~Part part~~ part 51, ~~Appendix appendix~~ S, ~~Sections 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~~)(ff) 40 CFR ~~Part part~~ part 51, ~~Appendix appendix~~ W; "Guideline on Air Quality Models;" 70 FR 68228, Nov. 9, 2005.
- (~~aa~~)(gg) 40 CFR ~~Part part~~ part 51, ~~Subpart subpart~~ 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~~ 2014 Code of Federal Regulations.
- (~~bb~~)(hh) 40 CFR ~~Part part~~ part 52; "Approval and promulgation of implementation plans;" as published in the July 1, ~~2012~~ 2014 Code of

## Federal Regulations.

- (~~ee~~)(ii) 40 CFR ~~Part~~ part 53; "Ambient Air Monitoring Reference and Equivalent Methods;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (jj) 40 CFR part 58, appendix A; "Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring;" as published in the July 1, 2014 Code of Federal Regulations.
- (~~dd~~)(kk) 40 CFR ~~Part~~ part 58, ~~Appendix~~ 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~~)(ll) 40 CFR ~~Part~~ part 60; "Standards of Performance for New Stationary Sources;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (~~ff~~)(mm) 40 CFR ~~Part~~ part 60, ~~Appendix~~ appendix A; "Test Methods - Standards of Performance for New Stationary Sources;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (~~gg~~)(nn) 40 CFR ~~Part~~ part 60, ~~Appendix~~ 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~~)(oo) 40 CFR ~~Part~~ part 60, ~~Subpart~~ 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)~~(pp) 40 CFR ~~Part part~~ part 60, ~~Subpart subpart~~ 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)~~(qq) 40 CFR, ~~Part part~~ part 60, ~~Subpart subpart~~ 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)~~(rr) 40 CFR ~~Part part~~ part 60, ~~Subpart subpart~~ 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)~~(ss) 40 CFR ~~Part part~~ part 60, ~~Subpart subpart~~ 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)~~(tt) 40 CFR ~~Part part~~ part 60, ~~Subpart subpart~~ subpart IIII; "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- ~~(nn)~~(uu) 40 CFR ~~Part part~~ part 60, ~~Subpart subpart~~ subpart JJJJ; "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (vv) 40 CFR part 60, subpart OOOO; "Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution;" as published in the July 1, 2014 Code of Federal Regulations.

- ~~(ww)~~(ww) 40 CFR ~~Part part~~ part 63, ~~Subpart subpart~~ Subpart ZZZZ; "National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (xx) 40 CFR part 63, subpart CCCCCC; "National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities;" as published in the July 1, 2014 Code of Federal Regulations.
- (yy) 40 CFR part 63, subpart HHHHHH; "National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources;" as published in the July 1, 2014 Code of Federal Regulations.
- ~~(zz)~~(zz) 40 CFR ~~Part part~~ part 61; "National Emission Standards for Hazardous Air Pollutants;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- ~~(aaa)~~(aaa) 40 CFR ~~Part part~~ part 61, ~~Subpart subpart~~ 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.
- ~~(bbb)~~(bbb) 40 CFR ~~Part part~~ part 63; "National Emission Standards for Hazardous Air Pollutants for Source Categories;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- ~~(ccc)~~(ccc) 40 CFR ~~Part part~~ part 89; "Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- ~~(ddd)~~(ddd) 40 CFR ~~Part part~~ part 92; "Control of Air Pollution From Locomotives and Locomotive Engines;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.
- (eee) 40 CFR part 94; "Control of emissions from marine compression-ignition engines;" as published in the July 1, 2014 Code of Federal Regulations.

- ~~(uuu)~~(fff) 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.
- ~~(vvv)~~(ggg) 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.
- ~~(www)~~(hhh) 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.
- (iii) ASTM D2306-00; "Standard Test Method for C8 Aromatic Hydrocarbon Analysis by Gas Chromatography"; approved June 10, 2000.
- (jjj) ASTM D2879-97(2007); "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope"; approved April 10, 1997, reapproved May 1, 2007.
- (kkk) ASTM D3792-05; "Standard Test Method for Water Content of Coatings by Direct Injection Into a Gas Chromatograph"; approved January 1, 2005.
- (lll) ASTM E260-96(2001); "Standard practice for packed column gas chromatography"; approved January 1, 2001.
- ~~(xx)~~(mmm) "Chemical Rubber Company (CRC) Handbook of Chemistry and Physics," 89th Edition, 2008-2009 as published on June 17, 2008.
- ~~(yy)~~(nnn) 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)~~(ooo) 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.
- (ppp) "Lange's Handbook of Chemistry," 70th anniversary edition; published

December 20, 2004

- (~~aaa~~)(qqq) 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~~)(rrr) North American Electric Reliability Corporation Reliability Standard EOP-002-3; "Capacity and Energy Emergencies;" adopted August 5, 2010.
- (~~eee~~)(sss) 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~~)(ttt) 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.
- (uuu) "Perry's Chemical Engineers' Handbook," 8th edition; as published November 13, 2007.
- (~~eee~~)(vvv) 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~~)(www) Recommended policy on control of volatile organic compounds; 42 FR 35314, July 8, 1977.
- (~~ggg~~)(xxx) 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~~)(yyy) 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~~)(zzz) 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)~~(aaaa) 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)~~(bbbb) 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)~~(cccc) 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)~~(dddd) 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)~~(eeee) 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)~~(ffff) 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)~~(gggg) 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)~~(hhhh) 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)~~(iiii) 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)~~(jjjj) 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)~~(kkkk) 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)~~(llll) 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)~~(mmmm) 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)~~(nnnn) 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)~~(oooo) 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)~~(pppp) 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)~~(qqqq) 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.

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

- ~~(bbbb)~~(ssss) 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.
- ~~(eeee)~~(tttt) 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)~~(uuuu) 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)~~(vvvv) 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)~~(wwww) 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)~~(xxxx) 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)~~(yyyy) 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)~~(zzzz) Standard industrial classification manual. United States. Office of management and budget. Last amended 1988.
- ~~(jjjj)~~(aaaaa) 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)~~(bbbb) 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.

~~(HH)~~(cccc) 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.

(dddd) UL 330; "Standard for Hose and Hose Assemblies for Dispensing Flammable Liquids;" as published December 16, 2009.

~~(mmmm)~~(eeee) USEPA Method 9; contained in 40 CFR ~~Part~~ part 60, ~~Appendix~~ appendix A-4; "Visual Determination of the Opacity of Emissions From Stationary Sources;" as published in the July 1, ~~2012~~ 2014 Code of Federal Regulations.

Effective:

Five Year Review (FYR) Dates: 11/30/2015

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(F), 3704.03(G)  
Rule Amplifies: 3704.03(A), 3704.03(F), 3704.03(G)  
Prior Effective Dates: 7/5/73, 1/1/74, 11/7/79, 8/15/82, 9/18/87,  
11/17/88(Emer.), 3/9/89(Emer.), 6/12/89, 10/8/93,  
6/1/94, 4/12/96, 4/27/98, 9/25/98, 11/30/01, 10/17/03,  
10/28/04, 11/03/06, 12/01/06, 12/14/07, 5/29/14

3745-31-03

**Exemptions and permits-by-rule.**

[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 ~~the "Incorporation by Reference" section at the end of rule 3745-31-01 of the Administrative Code paragraph (LLLLL) of rule 3745-31-01 of the Administrative Code titled, "referenced materials."~~]-]

- (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 under paragraph (B) of this rule, or unless the owner or operator elects to install or modify, and operate, under a permit-by-rule under paragraph (C) of this rule:~~

[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.~~], but not limited to the following:

- (1) Being considered for purposes of determining whether a facility constitutes a major stationary source or a project constitutes a major modification.
- (2) Being considered for the purposes of determining whether a facility constitutes a major stationary source under the Title V program (Chapter 3745-77 of the Administrative Code).
- (3) Compliance with any applicable new source performance standard (NSPS) contained in 40 CFR part 60.
- (4) Compliance with any applicable national emissions standard for hazardous air pollutant (NESHAP) standard as contained in 40 CFR part 61.
- (5) Compliance with any applicable maximum achievable control technology standard (MACT) as contained in 40 CFR part 63.]

**(B) Exemptions.**

- (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 or equal to 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~~), biodiesel, 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~~), biodiesel, 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 any of the following:
  - (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 products.
  - (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 the following occurs:
    - (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 (five hundred tons) of resins (thermoplastic or thermosetting) per rolling twelve-month period are used in injection machines at the facility.

(l) Storage tanks for any of the following:

- (i) Inorganic liquids including water (at standard temperature and pressure) except as described in paragraph ~~(A)(1)(1)(vii)~~ (B)(1)(m)(vii) of this rule; ~~☒~~
  - (ii) Pressurized storage for inorganic compounds or propane, butane, isobutane, and liquid petroleum gases; ~~☒~~
  - (iii) Liquids with a capacity of less than seven hundred gallons; ~~☒~~
  - (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; ~~☒~~
  - (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 60.111b, of less than 15.0 kilopascals (2.176 pounds per square inch absolute) and equipped with submerged fill; ~~☒~~
  - (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 60.111b, of less than 3.5 kilopascals (0.508 pounds per square inch absolute); ~~☒~~
  - (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 curing, 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 including the portable permit-by-rule source in the state of Ohio that meets the following requirements ~~under this paragraph~~:
  - (i) ~~The company has demonstrated the following~~ director has issued a one-time approval to relocate to the new location in accordance with the following criteria:
    - (a) The portable source including the portable permit-by-rule 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 including the portable permit-by-rule 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~~ or any applicable permit-to-operate or registration status or currently effective permit-by-rule.
    - (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~~ The owner or operator has requested approval, in a form and manner prescribed by the director, to relocate the portable source including the portable permit-by-rule source within a minimum of twenty-one 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 public notice, consistent with Chapter 3745-49 of the Administrative Code, in the county where the proposed site is located, stating that in the director's judgment the portable source including the portable permit-by-rule source at the proposed~~

site will have an acceptable environmental impact.

(e) Following approval of the site by the director, the portable source including the portable permit-by-rule source may relocate to the site one time within three hundred sixty-five days of approval issuance.

~~(e)(f) 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 owner or operator shall provide the director with confirmation of relocation, in a form and manner prescribed by the director, that the relocation has occurred within twenty-one days after relocation to the approved site.~~

~~[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~~ pre-approval for the new location ~~pursuant to rule 3745-31-05 of the Administrative Code~~ in accordance with the following:-

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

(b) The portable source including the portable permit-by-rule source continues to comply with the currently effective permit-to-install or PTIO or any applicable permit-to-operate or registration status or currently effective permit-by-rule.

(c) The owner or operator has requested approval, in a form and manner prescribed by the director, to relocate the portable

source including the portable permit-by-rule source to the proposed pre-approved site.

(d) The director has issued a public notice, consistent with Chapter 3745-49 of the Administrative Code, in the county where the proposed pre-approved site is located, stating that in the director's judgment the portable source including the portable permit-by-rule source and the proposed pre-approved site will have an acceptable environmental impact.

(e) Following pre-approval of the site by the director, the portable source including the portable permit-by-rule source may relocate to the pre-approved site at any time on or before the expiration date. Pre-approvals expire within three years of approval issuance.

(f) The owner or operator shall provide the director with confirmation of relocation, in a form and manner prescribed by the director, that the relocation has occurred within twenty-one days after relocation to the pre-approved site.

[Comment: Relocation of any portable source including the portable permit-by-rule 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 including the portable permit-by-rule source that results in the creation of a major source, as defined in rule 3745-77-01 of the Administrative Code, shall 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.]

~~(q) A drycleaning facility constructed between January 1, 1974 and December 31, 1981 in which the annual amounts of fabric drycleaned 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.~~

(q) Dry cleaning facilities, as defined in paragraph (K)(2) of rule 3745-21-01 of the Administrative Code, that do not use perchloroethylene solvent and meet all of the following:

- (i) Employ petroleum solvents as defined in paragraph (K)(7) of rule 3745-21-01 of the Administrative Code or other non-perchloroethylene solvents that meet the definition of volatile organic compound.
- (ii) Have a total manufacturer's rated capacity of all dry-to-dry cleaning machines and separate dryers at the facility of less than or equal to eighty-three pounds of articles, dry basis.
- (iii) Have a total annual consumption of solvents in all machines of less than or equal to five hundred gallons.
- (iv) Comply with paragraph (BB)(1)(c) of rule 3745-21-09 of the Administrative Code for minimizing solvent evaporation, and paragraphs (BB)(1)(d), (BB)(1)(e), (BB)(4)(b)(iv) and (BB)(5)(b) of rule 3745-21-09 of the Administrative Code for recordkeeping and reporting related to equipment leak detection and repair.
- (r) Dry cleaning and laundry facilities that employ wet cleaning processes, liquid carbon dioxide processes, or equipment that utilizes volatile methyl siloxane solvent.
- ~~(s)~~(s) Noncontinuous solvent recycling or reclaiming units with less than twenty gallons capacity.
- ~~(t)~~(t) Non-heatset or sheet-fed presses with an OC potential to emit of less than three tons per year.
- ~~(u)~~(u) 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.
- ~~(v)~~(v) Equipment used for spraying or applying insecticides, pesticides and herbicides except at facilities producing these substances or mixtures for sale or distribution.
- ~~(w)~~(w) 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.
- ~~(x)~~(x) 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)~~(y) Ink-jet printers.

~~(y)~~(z) 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)~~(aa) 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)~~(bb) Parts washers and rinse tanks using detergent cleaners.

~~(bb)~~(cc) Aluminum die-casting machines.

~~(ee)~~(dd) 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)~~(ee) Vegetable oil storage tanks and pumps and valves used in vegetable oil processing operations.

~~(ee)~~(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 are equipped with Stage I vapor control and are not located in the following counties, consistent with paragraph (A) of rule 3745-21-09 of the Administrative Code: 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)~~(gg) 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)~~(hh) Air separation plants.

~~(hh)~~(ii) All maintenance welding operations.

~~(ii)~~(jj) ~~Are welding~~ Brazing, soldering, welding, or plasma cutting operations where emissions of particulate matter are vented to a control device located and vented inside the building.

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

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

~~(mm)~~(nn) 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)~~, and that, as applicable, comply with either 40 CFR part 60, subpart III, the standards of performance

for new stationary compression ignition internal combustion engines, or 40 CFR part 60, subpart JJJJ, the standards of performance for new stationary spark ignition internal combustion engines, or 40 CFR part 63, subpart ZZZZ, the "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines."

~~(nn)~~(oo) 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, and that, as applicable, comply with either 40 CFR part 60, subpart IIII, the standards of performance for new stationary compression ignition internal combustion engines, or 40 CFR part 60, subpart JJJJ, the standards of performance for new stationary spark ignition internal combustion engines, or 40 CFR part 63, subpart ZZZZ, the "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines."

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

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

~~(pp)~~(qq) 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)~~(rr) ~~Internal~~An internal combustion engine(s) engine 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.

~~(ff)~~(ss) 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)~~(tt) The one time use of a mobile treatment unit or vacuum truck in order to contain ~~and/or~~ 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)~~ (B)(1)(b) of this rule, of the applicability of a permit-by-rule in paragraph ~~(A)(4)(e) or (A)(4)(f)~~ (B)(2)(d) or (B)(2)(e) 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.

(uu) A tank at a POTW or semi-public disposal system operating under a valid National Pollutant Discharge Elimination System (NPDES) permit used in the treatment (including recycling and reclamation) of domestic sewage or industrial waste of a liquid nature. If the director finds the tank is causing or may cause a public nuisance, in violation of rule 3745-15-07 of the Administrative Code, an application for a permit-to-install or PTIO shall be submitted in accordance with rule 3745-31-02 of the Administrative Code.

(vv) Powder coating lines that use less than 300.0 tons of powder coating by weight per year. This exemption includes fully electric curing ovens or curing ovens with a total heat input of less than ten million British thermal units per hour burning only natural gas, distillate oil, or liquid petroleum gas. This exemption does not include any VOC laden

clean-up material.

(ww) On-site cleaning, stripping and subsequent coating of outdoor objects and structures such as buildings, bridges, billboards, signs, water towers, swimming pools, lampposts, fences, railings, monuments, etc. that must be done periodically for maintenance purposes, provided the following apply:

(i) Dry abrasive blasting operations, if conducted, employ tarps, enclosures, or other techniques to prevent dust nuisances.

(ii) Solid waste and hazardous waste and waste waters generated by the operations are managed in accordance with applicable regulations.

(xx) Construction activities located at a construction site for a project for which no air pollution permits are required.

(yy) On-site building demolition and implosion provided all applicable provisions of Chapter 3745-20 of the Administrative Code for the assessment and removal of any asbestos containing materials were completed prior to the start of any demolition activities.

(zz) Grading, dragging, striping, and other activities to prepare dirt athletic fields and race tracks for use.

(aaa) Traffic marking and striping operations of paved roadways and parking areas, provided the coatings employed meet the standards for architectural and industrial maintenance coatings specified in Chapter 3745-113 of the Administrative Code.

(bbb) Concrete or masonry waterproofing and sealing, provided the coatings employed meet the standards for architectural and industrial maintenance coatings specified in Chapter 3745-113 of the Administrative Code.

(ccc) Roof coating and asphalt surface sealing, provided the coatings employed meet the standards for architectural and industrial maintenance coatings specified in Chapter 3745-113 of the Administrative Code.

(ddd) Diesel fuel storage and dispensing operations.

(eee) Outdoor and indoor firing and shooting ranges, provided indoor ranges comply with all applicable OSHA workplace indoor air quality standards.

(fff) Equipment for annealing, heat treating, case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing or diffusion treating of metal or glass objects, which are electrically heated or which fire natural gas or distillate oil at a maximum total heat input rate of less than ten million British thermal units per hour, and does not involve molten materials, oil-coated parts or oil quenching.

(ggg) Heating units burning used oil, as defined in rule 3745-279-01 of the Administrative Code, in which the manufacturer's maximum heat input rating is less than five hundred thousand British thermal units per hour.

(hhh) Compost piles, windrows, and associated activities including material receiving, storage, mixing, curing, turning, and load-out at Class II, III and IV solid waste composting facilities as defined by OAC 3745-560-02, provided the material is kept sufficiently wet for effective composting and dust control.

(iii) Beauty salons, barber shops, and nail salons.

(jjj) Roadways and Parking Areas (either paved or unpaved) with less than three thousand eight hundred vehicle miles traveled (VMT) per year, less than five tons particulate emissions (PE), and less than 1.45 tons PM10 per year.

(2) Federal based exemptions.

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

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.

~~(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~~ At the director's discretion, the director 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~~ At the director's discretion, the director 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~~ At the director's discretion, the director 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~~ At the director's discretion, and in writing, the director 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~~ At the director's 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 and in writing, the director may exempt the installation and operation of a temporary source from the requirement to obtain a permit-to-install or PTIO for a period of up to two calendar years for the purpose of testing air contaminant emissions so that a suitable control technology can be ascertained.
- (f) ~~The director, at his/her~~ At the director's discretion, and in writing, the director 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~~ 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~~At the director's discretion, and in writing, the director 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) De-minimis exemption.

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

~~(4)(C)~~(C) Permit-by-rule exemptions.

The following air contaminant sources ~~are exempt from~~ may elect to be permitted under this paragraph in lieu of the requirement to obtain a permit-to-install or PTIO under rule 3745-31-02 of the Administrative Code. These ~~exemptions~~ permits-by-rule 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~~ permits-by-rule 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 significant or 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~~ these sources into any major NSR permitting action.

~~(a)~~(1) General provisions.

These general provisions apply to all owner or operators who are utilizing one

or more of the ~~permit-by-rule exemptions~~ permits-by-rule listed in ~~paragraphs (A)(4)(b) to (A)(4)(l)~~ paragraph (B) of this rule.

~~(i)~~(a) Recordkeeping requirements.

The owner or operator shall collect and maintain the records described for each air contaminant source ~~exempted~~ electing to be permitted under paragraph ~~(A)(4)~~ (B) 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~~ permit-by-rule. These records shall be made available to the director or any authorized representative of the director for review during normal business hours.

~~(ii)~~(b) 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)~~(i) The owner or operator's and the facility contact's name~~s~~;

~~(b)~~(ii) The facility mailing address and telephone number~~s~~;

~~(c)~~(iii) The location of the air contaminant ~~source(s)~~; source.

~~(d)~~(iv) A description of the air contaminant source, including any pollution ~~control(s)~~; and control.

~~(e)~~(v) A statement by the owner or operator that indicates which permit-by-rule applies to the air contaminant source.

~~(iii)~~(c) 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~~ 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~~ 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~~ or permit-to-operate are revoked.

~~(iv)~~(d) 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)~~ (B)(1)(b) 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)~~(e) 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)~~(f) Reporting requirements.

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

~~(a)~~(i) Reports of any monitoring ~~and/or~~ 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)~~(ii) 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~~ or operational restriction exceeded, the probable cause of such deviation, and any corrective actions of preventive measures that have been or will be taken.

~~(vii)~~(g) 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~~ air contaminant source or any associated air pollution control ~~system(s)~~ system 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)~~ system shall be accompanied by the shutdown of the ~~emissions unit(s)~~ air contaminant source that is served by such control ~~system(s)~~ system.

~~(viii)~~ Definitions. For the purposes of the permit-by-rule exemption in paragraph (A)(4)(b) of this rule, the following definitions apply. These definitions are in addition to terms defined for this chapter in rule 3745-31-01 of the Administrative Code:

(a) "Emergency" means:

~~(i) A public emergency caused by flooding, damaging winds or tornado, fire, or other natural disaster; or~~

- ~~(ii) An electric power outage due to a failure of the electrical grid, local supply equipment failure, facility equipment failure; or~~
- ~~(iii) Conditions where a regional transmission organization notifies electric distributors that an emergency exists or may occur and it is necessary to implement emergency procedures for voluntary load curtailments by customers within Ohio, in response to unusually low frequency, equipment overload, capacity or energy deficiency, unacceptable voltage levels, or other emergency conditions leading to a potential electrical blackout; or~~
- ~~(iv) Any situation that the director determines to be an immediate threat to human health, property, or the environment.~~
- ~~(b) "Emergency electrical generator," "emergency water pump," or "emergency air compressor," means, respectively, an electrical generator, water pump, or air compressor powered by an emergency internal combustion engine.~~
- ~~(c) "Emergency internal combustion engine" means a stationary reciprocating engine or stationary turbine engine, whose operation is limited to emergency situations and readiness testing and maintenance. An engine used for non-emergency use (for instance to produce peaking power or used in a non-emergency energy assistance program is not an emergency internal combustion engine under this definition.~~

(2) Source specific provisions.

- ~~(b)(a)~~ Emergency electrical generators, emergency water pumps, or emergency air compressors powered by ~~internal combustion~~ emergency engines greater than fifty horsepower (37.3 Kilowatts) where ~~each such~~ 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, as applicable, comply with either 40 CFR part 60, subpart IIII, the standards of performance for new stationary compression ignition internal combustion engines, or 40 CFR part 60, subpart JJJJ, the standards of performance for new stationary spark ignition internal combustion engines, or 40 CFR part 63, subpart ZZZZ, the "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines," and that ~~maintains~~ maintain 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.~~
  - (iii) Total time operated in emergency situations. There is no time limit on the use of emergency electrical generators in emergency situations.
- (e)(b) Equipment used for injection and compression molding of resins where the following apply:
- (i) The facility does not qualify for the exemption under paragraph ~~(A)(1)(k) or (A)(1)(m)~~ (B)(1)(l) or (B)(1)(n) of this rule; ~~and.~~
  - (ii) The facility uses no more than one thousand pounds of VOC in external mold release agents and flattening spray per rolling twelve-month period; ~~and~~ and either of the following:
    - (a) The facility uses no thermoset resins and no more than six million pounds (three thousand tons) 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 (two hundred fifty tons) of thermoset resins (e.g., unsaturated 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~~ VOC emissions 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 flattening 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)~~(c) Nonmetallic mineral processing plants permit-by-rule.

(i) Qualifications.

A nonmetallic mineral processing plant, as defined under 40 CFR ~~Part~~ part 60, ~~Subpart~~ 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~~ materials) 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 the processing of recycled concrete and asphalt paving ~~plants~~ materials) 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)~~ (B)(2)(c)(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.

(iii) Notification requirements for portable permit-by-rule sources:

The relocation of any portable permit-by-rule source in the state of Ohio that meets the following requirements:

- (a) The director has issued a one-time approval to relocate to the new location in accordance with the following:
  - (i) The portable permit-by-rule source was installed after January 1, 1974 and continues to comply with any applicable BAT and state or federal air pollution rule or law.
  - (ii) The portable permit-by-rule source continues to comply with the currently effective permit-by-rule.
  - (iii) The owner or operator has requested approval, in a form and manner prescribed by the director, to relocate the portable permit-by-rule source within a minimum of twenty-one days prior to the scheduled relocation.
  - (iv) The director has issued a public notice, consistent with Chapter 3745-49 of the Administrative Code, in the county where the proposed site is located, stating that

in the director's judgment the portable permit-by-rule source at the proposed site will have an acceptable environmental impact.

(v) Following approval of the site by the director, the portable permit-by-rule source may relocate to the site one time within three hundred sixty-five days of approval issuance.

(vi) The owner or operator shall provide the director with confirmation of relocation, in a form and manner prescribed by the director, that the relocation has occurred within twenty-one days after relocation to the approved site.

(b) The director has issued a site pre-approval for the new location in accordance with the following.

(i) The portable permit-by-rule source was installed after January 1, 1974 and continues to comply with any applicable BAT and state or federal air pollution rule or law.

(ii) The portable permit-by-rule source continues to comply with the currently effective permit-by-rule.

(iii) The owner or operator has requested approval, in a form and manner prescribed by the director, to relocate the portable permit-by-rule source to the proposed pre-approved site.

(iv) The director has issued a public notice, consistent with Chapter 3745-49 of the Administrative Code, in the county where the proposed pre-approved site is located, stating that in the director's judgment the portable permit-by-rule source and the proposed pre-approved site will have an acceptable environmental impact.

(v) Following pre-approval of the site by the director, the portable permit-by-rule source may relocate to the pre-approved site at any time on or before the expiration date. Pre-approvals expire within three years of approval issuance.

(vi) The owner or operator shall provide the director with confirmation of relocation, in a form and manner

prescribed by the director, that the relocation has occurred within twenty-one days after relocation to the pre-approved site.

[Comment: Relocation of any portable permit-by-rule 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 permit-by-rule source that results in the creation of a major source, as defined in rule 3745-77-01 of the Administrative Code, shall 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.]

- ~~(e)~~(d) 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 or PTIO 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)~~(e) 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 or PTIO 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)~~(f) 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, excluding those done by spray guns with 3 ounces or less cup capacity, in an enclosed spray booth(s) booth which are is designed to confine and direct the paint overspray, fumes, and vapors to a powered ventilation system and are is equipped with either a dry filtration or water wash system(s) system to capture paint overspray.
- (e) The facility applies any paint or coatings by one of the following means; high volume low pressure (HVLP) ~~spray equipment~~ spray gun, ~~or electrostatic application equipment,~~ airless spray gun, or air-assisted spray gun.
- (f) The exhaust ~~stack(s)~~ stack of each paint spray booth at the facility shall comply with the following:
  - (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 seventeen feet or greater, as measured from ground level to the point of discharge to the atmosphere; or has a stack height which is at least sixteen feet, but less than seventeen feet, as measured from ground level to the point of discharge to the atmosphere and has a point of discharge no closer than sixty feet to the nearest facility property line.
  - ~~(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.~~

(g) When applicable, the facility complies with 40 CFR part 63, subpart HHHHHH, the national emission standards for hazardous air pollutants for paint stripping and miscellaneous surface coating operations.

(ii) Applicable emission limitations ~~and/or~~ and 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~~ tables:

Applicable <del>Rule(s)</del> <u>Rule</u>	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 <del>2745-21-18</del> <u>3745-21-18</u> of the Administrative Code	The provisions of this rule are only applicable to facilities located in Butler, Clark, Clermont, Greene, Hamilton, Miami, Montgomery, <del>and</del> Warren, <u>Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit</u> counties.
<u>40 CFR part 63, subpart HHHHHH (refer to regulation for applicability)</u>	<u>Requirements for minimizing emissions from coating and stripping operations, capture efficiency, cleanup, storage and handling of coatings and cleanup materials, and training.</u>

(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 and prevent atomized mist and paint residue from being emitted outside of the collection container.
- (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, Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit 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~~ owner or operator shall:

(i) Not apply to mobile equipment or mobile equipment components any automotive pretreatment, automotive primer-surfacer, automotive primer-sealer, automotive topcoat, or automotive specialty coatings, including any VOC-containing materials added to the original coating supplied by the manufacturer, that contain VOCs in excess of the limits specified in the following table:

Table: Allowable content of VOCs in mobile equipment repair and refinishing coatings, as applied (in weight of VOC per volume of coating, excluding water and non-VOC or exempt solvents)

<u>Coating Type</u>	<u>Limit (pounds VOC per gallon of coating, excluding water and exempt solvents)</u>	<u>Limit (grams VOC per liter of coating, excluding water and exempt solvents)</u>
<u>pretreatment primer</u>	<u>6.5</u>	<u>780</u>
<u>primer-surfacer</u>	<u>4.8</u>	<u>575</u>
<u>primer-sealer</u>	<u>4.6</u>	<u>550</u>
<u>topcoat (single-stage)</u>	<u>5.0</u>	<u>600</u>
<u>topcoat (two-stage basecoat/clearcoat)</u>	<u>5.0</u>	<u>600</u>
<u>topcoat (three or four-stage basecoat/clearcoat)</u>	<u>5.2</u>	<u>625</u>
<u>multi-colored topcoat</u>	<u>5.7</u>	<u>680</u>
<u>automotive specialty</u>	<u>7.0</u>	<u>840</u>

(ii) Calculate the VOC content of the coatings employed in accordance with the following:

(A) Except for multi-stage topcoats, the mass of VOC per combined volume of VOC and coating solids, excluding water and exempt solvents, shall be calculated by the following equation:

$$VOC = \frac{(W_v - W_w - W_{ec})}{(V - V_w - V_{ec})}$$


---

Where:

VOC = VOC content in pounds per gallon of coating, excluding water and exempt solvents;

W<sub>v</sub> = mass of total volatiles, in pounds;

W<sub>w</sub> = mass of water, in pounds;

W<sub>ec</sub> = mass of exempt solvents, in pounds;

V = volume of coating, in gallons;

V<sub>w</sub> = volume of water, in gallons; and

V<sub>ec</sub> = volume of exempt solvents, in gallons.

(B) The VOC content of a multi-stage topcoat shall be calculated by the following equation:

$$VOC_{multi} = \frac{VOC_{bc} + \sum_{i=0}^M VOC_{mci} + 2(VOC_{cc})}{M + 3}$$


---

Where:

VOC<sub>multi</sub> = VOC content of multistage topcoat, in pounds per gallon, excluding water and exempt solvents;

VOC<sub>bc</sub> = VOC content of basecoat, in pounds per gallon, excluding water and exempt solvents;

VOC<sub>mci</sub> = VOC content of each midcoat(s), in pounds per gallon, excluding water and exempt solvents;

VOC<sub>cc</sub> = VOC content of the clear coat, in pounds per gallon, excluding water and exempt solvents; and

M = number of midcoats.

(The VOC content of each coating shall be measured in accordance with USEPA method 24.)

(C) Train the operators of paint application equipment in the use of a high volume low pressure (HVLP) sprayer, or electrostatic spray airless spray gun, or air-assisted airless spray gun equipment in accordance with the manufacturer's specifications, and the handling of a coating and any solvents used to clean the spray equipment, including procedures used to reduce emissions from evaporation and overspray.

(D) 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.

~~(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.~~

(e) When applicable, a facility located in any county in Ohio must also comply with the booth specifications, stripping management practices, overspray capture efficiency, spray gun specifications, solvent storage, and training requirements of 40 CFR part 63, subpart HHHHHH.

(iv) Monitoring ~~and/or~~ and 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)~~ (B)(2)(f)(i)(f) of this rule.

(d) For facilities located in Butler, Clark, Clermont, Greene, Hamilton, Miami, Montgomery, ~~and~~ Warren, Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit 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, airless spray gun, or air-assisted airless spray gun 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.

(e) When applicable, a facility located in any county in Ohio must also comply with the monitoring, recordkeeping, and reporting requirements of 40 CFR part 63, subpart HHHHHH.

(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)~~ (B)(2)(f)(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~~ fifty, 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)(g)~~ 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)~~ (B)(1)(ff) or ~~(A)(1)(ff)~~ (B)(1)(gg) 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.

(e) When applicable, the facility complies with 40 CFR part 63, subpart CCCCCC, the national emission standards for hazardous air pollutants for gasoline dispensing facilities.

(ii) Applicable emission limitations ~~and/or~~ and 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 <del>Rule(s)</del> <u>rule</u>	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.
<u>40 CFR part 63, subpart CCCCCC (refer to</u>	<u>Federal requirements to demonstrate</u>

<u>regulation for applicability)</u>	<u>compliance with the emission limitations and management practices.</u>
--------------------------------------	---

## (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~~ pipe is 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.
- (g) When applicable, a facility located in any county in the state of Ohio must also comply with the vapor balance and management practice requirements of 40 CFR part 63, subpart CCCCCC.

(iv) Monitoring ~~and/or~~ and 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.

(c) When applicable, a facility located in any county in the state of Ohio must also comply with the monitoring and recordkeeping requirements of 40 CFR part 63, subpart CCCCCC.

(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) (B)(2)(g)(ii) to (B)(2)(g)(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.

(c) When applicable, a facility located in any county in the state of Ohio must also comply with the reporting requirements of 40 CFR part 63, subpart CCCCCC.

(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.

(b) When applicable, a facility located in any county in Ohio must also comply with the testing requirements of 40 CFR part 63, subpart CCCCCC.

[Comment: U.S. EPA's generally available control technology (GACT) and/or management practices for area source categories of HAPs, that have been implemented through the "Integrated Urban Air Toxics Strategy" (64 FR 38715) and promulgated under Section 112(d)(5) of the Clean Air Act, are regulated by the U.S. EPA; Ohio EPA has not been given delegation of the GACT rules.]

(+) (h) 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)~~ (B)(1)(gg) 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 or has decommissioned the Stage II vapor control system in accordance with paragraph (DDD)(5) 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.

(f) When applicable, the facility complies with 40 CFR part 63, subpart CCCCCC, the national emission standards for hazardous air pollutants for gasoline dispensing facilities.

(ii) Applicable emission limitations ~~and/or~~ and 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 <del>Rule(s)</del> <u>rule</u>	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.
<u>Paragraph (DDD) of rule 3745-21-09 of the Administrative Code</u>	<u>Low permeation hoses are all hoses that carry liquid fuel and permeate at a rate of no more than ten grams per square meter per day as determined by UL 330 (Seventh Edition) "Underwriters Laboratories' Standard for Hose and Hose Assemblies for Dispensing Flammable Liquids."</u>
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.
<u>40 CFR part 63, subpart CCCCCC (refer to regulation for applicability)</u>	<u>Federal requirements to demonstrate compliance with the emission limitations and management practices.</u>

## (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 pipe is~~ 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.
- (c) When applicable, a facility located in any county in Ohio must also comply with the vapor balance and management practice requirements of 40 CFR part 63, subpart CCCCCC.
- (d) In accordance with paragraphs (DDD)(4)(g) and (DDD)(5)(d) of rule 3745-21-09 of the Administrative Code, the owner or operator shall install low permeation hoses.

(iv) Monitoring ~~and/or~~ and 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.

(d) When applicable, a facility located in any county in Ohio must also comply with the monitoring and recordkeeping requirements of 40 CFR part 63, subpart CCCCCC.

(e) The owner or operator of the facility shall maintain records of all data and documentation relevant to determining the permeation rate of the hose, as described in UL 330 (Seventh Edition) "Underwriters Laboratories' Standard for Hose and Hose Assemblies for Dispensing Flammable

Liquids."

(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)~~ (C)(1) 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)~~ (B)(2)(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.

(d) When applicable, a facility located in any county in Ohio must also comply with the reporting requirements of 40 CFR part 63, subpart CCCCC.

(e) Any owner or operator who is decommissioning the Stage II vapor control system pursuant to paragraph (DDD)(5) of rule 3745-21-09 of the Administrative Code shall notify the appropriate Ohio EPA district office or local air agency using the written notification procedures described in paragraph (C)(1) of this rule.

(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.

(d) When applicable, a facility located in any county in the state of Ohio must also comply with the testing requirements of 40 CFR part 63, subpart CCCCCC.

(vii) Miscellaneous requirements.

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.

~~(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.~~

~~(i)~~ (i) 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~~ part 60, ~~Subpart~~ 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 or equal to 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-NOx 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~~ and 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) <u>rule</u>	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 Administrative Code	Air contaminant sources are exempt from 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 <del>the requirements of</del> rule 3745-18-06, rule 3745-23-06, and paragraph (B) of rule 3745-17-10 of the Administrative Code.
40 CFR <del>Part</del> <u>part</u> 60, <del>Subpart</del> <u>subpart</u> Dc	This regulation does not specify emission limitations for air contaminant sources that only fire natural gas.

(iii) Monitoring ~~and/or~~ and 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)~~ source and evidence that the air contaminant ~~source(s)~~ source 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~~ part 60, ~~Subpart~~ 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)~~ source and the type of ~~fuel(s)~~ fuel 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~~ part 60, ~~Appendix~~ 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~~ part 60, ~~Appendix~~ appendix A.

~~(k)~~(j) 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)~~ (C)(2)(j)(i)(c) 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~~ 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)~~ (C)(2)(j)(i)(b) 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)~~ (C)(2)(j)(i)(b) and ~~(A)(4)(k)(i)(e)~~ (C)(2)(j)(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)~~ (C)(2)(j)(iii) to (C)(2)(j)(viii) of this rule for the type of air contaminant ~~source(s)~~ source 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) <u>rule</u>	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 year; except for facilities located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties, where total VOC emissions from all lithographic <del>and/or</del> <u>or</u> letterpress printing operations shall not equal or exceed 3.0 tons per 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.
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)	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>Paragraphs (A) to (I) of rule 3745-21-22 of the Administrative Code</u>	<u>The provisions of this rule are applicable to facilities located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties, where VOC emissions, before control, from all lithographic or letterpress printing operations (including cleaning and fountain solutions) are equal to or greater than 3.0 tons per rolling twelve-month period.</u>

(iii) Monitoring ~~and/or~~ and 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)~~ (C)(2)(j)(iii)(a)(i) to (C)(2)(j)(iii)(a)(iii) of this rule shall be maintained on a monthly basis for lithographic ~~and/or~~ 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~~ 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)~~ (C)(2)(j)(i)(d) of this rule; ~~or~~.
- (vii) For lithographic ~~and/or~~ 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)~~ (C)(2)(j)(i)(b) and ~~(A)(4)(k)(i)(c)~~ (C)(2)(j)(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)(j)~~ (C)(2)(k) of this rule, the owner or operator of such facility shall comply with the notification requirements of paragraph ~~(A)(4)(a)(ii)~~ (C)(1)(b) 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)~~ (C)(2)(j)(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)(e)(i)~~ (C)(2)(j)(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)~~ (C)(2)(j)(iii) of this rule. The calculations shall be performed using methods approved by the Ohio environmental protection agency.

~~(4)(k)~~ 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)(e)~~ (C)(2)(k)(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)~~ (C)(2)(k)(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)~~ (C)(2)(k)(iii) to (C)(2)(k)(viii) of this rule for the type of air contaminant ~~source(s)~~ source 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)~~ (C)(2)(k)(i)(d)(i) of this rule shall not exceed a combined total of one hundred ten gallons in any rolling, twelve-month period.

(e) The facility employs fountain solutions in lithographic printing processes which meet all of the following standards for VOC content, per press type:

Press type	VOC limitation if alcohol used (per cent by weight)	VOC limitation if alcohol used (per cent by weight)	VOC limitation if alcohol used (per cent by weight) and solution is refrigerated at sixty degrees Fahrenheit or less
Heatset	<5.0	<1.6	<3.0
Non-heatset, sheetfed	<5.0	<5.0	<8.5

Non-heatset, web	<5.0	Not allowed	Not allowed
------------------	------	-------------	-------------

(ii) Applicable emission limitations ~~and/or~~ and 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) <u>rule</u>	Applicable Emission Limitations/Control Requirements
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.
Rule 3745-21-22 of the Administrative Code	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 <del>and/or</del> <u>or</u> letterpress printing operations (including emissions from cleaning solutions used on lithographic <del>and/or</del> <u>or</u> 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 <del>and/or</del> <u>or</u> 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.

(iii) Monitoring ~~and/or~~ and 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, and one of the following:-

~~(vi)~~(A) 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)(1)(i)(e)~~ (C)(2)(k)(i)(c) of this rule; ~~or~~.

~~(vii)~~(B) 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)(1)(i)(b)~~ (C)(2)(k)(i)(b) of this rule.

(b) Requirements only for letterpress ~~and/or~~ or lithographic

printing processes located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties subject to rule 3745-21-22 of the Administrative Code.

(i) The owner or operator of a heatset lithographic printing process with alcohol in the fountain solution shall measure the following:

(A) The VOC (alcohol) content of any altered fountain solution, at the time of alteration (e.g., addition of alcohol to a previously mixed batch), in per cent by weight, of the fountain solution employed in the press and shall maintain records of the results of the measurements at the facility for a period of five years. The alcohol content of the fountain solution shall be measured using a hydrometer. The hydrometer shall have a visual, analog, or digital readout with an accuracy of 0.5 per cent; and a standard solution shall be used to calibrate the hydrometer for the type of alcohol used in the fountain solution.

(B) On a daily basis, the temperature, in degrees Fahrenheit, of the fountain solution, using a thermometer or other temperature detection device capable of reading to 0.5 degrees Fahrenheit, if the owner or operator refrigerates the fountain solution. Records of the results of the measurements shall be maintained at the facility for a period of five years.

(ii) The owner or operator of a lithographic printing process shall maintain fountain solution preparation records, for a period of five years, by choosing one of the following methods.

For purposes of this rule, a fountain solution that is continuously blended with an automatic mixing unit is considered to be the same batch until such time that the recipe or mix ratio is changed.

(A) For an owner or operator maintaining a recipe log for each batch of fountain solution prepared for

use in the press:

- (1) A recipe log that identifies all recipes used to prepare the as-applied fountain solution. Each recipe shall be maintained in the recipe log for a period of five years from the date the recipe was last prepared for a press. Each recipe shall clearly identify the following: (1) VOC content of each concentrated alcohol substitute, added to make the batch of fountain solution, based upon the manufacturer's laboratory analysis using USEPA method 24; (2) The proportions in which the fountain solution is mixed, including the addition of alcohol ~~and/or~~ or water. The proportion may be identified as a volume when preparing a discrete batch or may be identified as the settings when an automatic mixing unit is employed; and (3) The calculated VOC content of the final, mixed recipe.
  - (2) Identification of the recipe used to prepare each batch of fountain solution for use in the press.
  - (3) The date and time when the batch was prepared.
  - (4) An affirmation the batch was prepared in accordance with the recipe.
- (B) For an owner or operator not maintaining a recipe log in accordance with paragraph ~~(A)(4)(i)(iii)(b)(ii)(A)~~ (C)(2)(k)(iii)(b)(ii)(A) of this rule, for each batch of fountain solution prepared for use in the press:
- (1) The volume and VOC content of each concentrated alcohol substitute, added to make the batch of fountain solution, based upon the manufacturer's laboratory

analysis using USEPA method 24.

- (2) The volume of alcohol added to make the batch of fountain solution.
  - (3) The volume of water added to make the batch of fountain solution.
  - (4) The calculated VOC content of the final, mixed batch.
  - (5) The date and time the batch was prepared.
- (iii) The owner or operator of a lithographic ~~and/or~~ or letterpress printing process shall maintain records, for a period of five years, of one of the following for all cleaning solutions employed in all the lithographic ~~and/or~~ or letterpress printing process:
- (A) For an owner or operator maintaining a recipe log for each batch of cleaning solution prepared:
    - (1) A recipe log that identifies all recipes used to prepare the as-applied cleaning solution. Each recipe shall be maintained in the recipe log for a period of five years from the date the recipe was last prepared. Each recipe shall clearly identify the following: (1) VOC content of each cleaning solution, based upon the manufacturer's laboratory analysis using USEPA Method 24; or (2) the VOC composite partial vapor pressure of each cleaning solution, based upon the method under paragraph ~~(A)(4)(i)(v)(d)(iii)~~ (C)(2)(k)(v)(d)(iii) of this rule.
    - (2) Identification of the recipe used to prepare each batch of cleaning solution.
    - (3) The date and time when the batch was prepared.

- (4) An affirmation the batch was prepared in accordance with the recipe.
- (B) For an owner or operator not maintaining a recipe log, for each batch of cleaning solution prepared for use in the press, records of the VOC content or VOC composite partial vapor pressure and the date and time the batch was prepared.
- (iv) The owner or operator of an offset lithographic ~~and/or~~ or letterpress printing process shall maintain monthly records of the following information:
- (A) The total amount, in gallons, of all the cleaning solutions employed; ~~and~~.
- (B) The total amount, in gallons, of all the cleaning solutions employed that exceeds the allowable VOC content or VOC composite vapor pressure.
- (iv) Reporting requirements only for letterpress ~~and/or~~ or lithographic printing processes located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties subject to rule 3745-21-22 of the Administrative Code.

The owner or operator shall notify the director of any ~~exceedance(s)~~ exceedance of the following applicable requirements within forty-five days after the instance occurs, and shall include a copy of the record showing the instance:

- (a) For a heatset web offset lithographic printing press determining alcohol content via hydrometer measurement, each hydrometer measurement that shows an exceedance of the alcohol content limitation.
- (b) For a heatset web offset lithographic printing press complying via refrigerated fountain solution, each temperature reading that shows an exceedance of the temperature limitation.
- (c) For an offset lithographic printing press, each calculated VOC content that exceeds the VOC content limitation for

fountain solutions.

(d) For an offset lithographic or letterpress printing press, each instance when an exceedance of the VOC content or VOC composite partial vapor pressure for cleaning solution occurs.

(v) Testing requirements.

(a) Compliance with the rolling, twelve-month material usage thresholds ~~and/or~~ or emission limitations shall be based upon the recordkeeping requirements specified in paragraph ~~(A)(4)(i)(iii)(a)~~ (C)(2)(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 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)(i)(e)(i)~~ (C)(2)(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 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)(i)(iii)~~ (C)(2)(k)(iii) of this rule. The calculations shall be performed using methods approved by the Ohio environmental protection agency.

(d) Testing requirements only for letterpress and/or lithographic printing processes located in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, or Summit counties subject to rule 3745-21-22 of the Administrative Code.

(i) The owner or operator of an offset lithographic printing process shall determine compliance with the VOC content of the as-applied fountain solution requirements by one of the methods in paragraphs ~~(A)(4)(i)(v)(d)(i)(A)~~ to ~~(A)(4)(i)(v)(d)(i)(C)~~ (C)(2)(k)(v)(d)(i)(A) to (C)(2)(k)(v)(d)(i)(C) of this rule except when paragraph ~~(A)(4)(i)(v)(d)(i)(D)~~ (C)(2)(k)(v)(d)(i)(D) is applicable:

(A) USEPA method 24 shall be used to determine the VOC content of the as-applied fountain solution;

(B) If diluted prior to use, a calculation shall be performed for VOC content that combines USEPA method 24 analytical data for the concentrated materials used to prepare the as-applied fountain solution and the proportions in which they are mixed to make the as-applied fountain solution. The analysis of the concentrated ~~material(s)~~ material may be performed by the ~~supplier(s)~~ supplier of ~~those material(s)~~ the material. The analytical data may be derived from a material safety data sheet (MSDS) or equivalent information from the supplier as long as it is based on USEPA method 24 results; ~~or~~.

(C) If not diluted prior to use, the owner or operator shall use formulation information provided by the supplier, such as a MSDS sheet or equivalent information from the supplier. In the event of a dispute between information provided by the supplier and data obtained by USEPA

method 24, the data obtained by USEPA method 24 shall be employed.

(D) For any offset lithographic printing press that is subject to the alcohol limit requirements, when adding alcohol to a fountain solution batch previously tested in accordance with one of the compliance test methods contained in paragraphs ~~(A)(4)(i)(v)(d)(i)(A)~~ ~~to (A)(4)(i)(v)(d)(i)(C)~~ (C)(2)(k)(v)(d)(i)(A) to (C)(2)(k)(v)(d)(i)(C) of this rule, in lieu of the methods in paragraphs ~~(A)(4)(i)(v)(d)(i)(A)~~ ~~to (A)(4)(i)(v)(d)(i)(C)~~ (C)(2)(k)(v)(d)(i)(A) to (C)(2)(k)(v)(d)(i)(C) of this rule, the owner or operator shall determine the VOC (alcohol) content of the altered fountain solution using a hydrometer.

(ii) The owner or operator of an offset lithographic ~~and/or~~ or letterpress printing process shall determine compliance with the VOC content of cleaning solutions requirements by one of the following methods:

(A) USEPA method 24 shall be used to determine the VOC content of the cleaning solution; ~~or~~.

(B) If diluted prior to use, a calculation shall be performed for VOC content that combines USEPA method 24 analytical data for the concentrated materials used to prepare the cleaning solution and the proportions in which they are mixed to make the as-applied cleaning solution. The analysis of the concentrated ~~material(s)~~ material may be performed by the ~~supplier(s)~~ supplier of ~~those material(s)~~ the material. The analytical data may be derived from a material safety data sheet (MSDS) or equivalent information from the supplier as long as it is based on USEPA method 24 results; ~~or~~.

(C) If not diluted prior to use, the owner or operator shall use formulation information provided by the supplier, such as MSDS sheet or equivalent

information from the supplier. In the event of a dispute between information provided by the supplier and data obtained by USEPA method 24, the data obtained by USEPA method 24 shall be employed.

- (iii) The owner or operator of an offset lithographic ~~and/or~~ or letterpress printing process shall determine compliance with the VOC composite partial vapor pressure of cleaning solutions requirements by one of the following methods:
- (A) If diluted prior to use, calculate the VOC composite vapor pressure of the as-applied solvent by using the formula for "VOC composite vapor pressure" as follows:
- (1) Determine the identity and quantity of each compound in a blended organic solvent by using ASTM D2306, or by using ASTM E260 for organics and ASTM D3792 for water content, if applicable, or the manufacturer's product formulation data.
  - (2) Determine the vapor pressure of each pure VOC component by using ASTM D2879 or publications such as "Perry's Chemical Engineer's Handbook," "CRC Handbook of Chemistry and Physics," or "Lange's Handbook of Chemistry."
  - (3) Calculate the VOC composite partial pressure of the solvent by using the formula for "VOC composite partial pressure." For the purpose of this calculation, the blended solvent shall be assumed to be an ideal solution where Raoult's Law applies. The partial vapor pressures of each compound at twenty degrees Celsius (sixty-eight degrees Fahrenheit) shall be used in the formula. The VOC composite partial pressure shall be calculated as follows:

$$PP_c = \sum_{i=1}^n \frac{(W_i)(VP_i) / MW_i}{\frac{W_w}{MW_w} + \frac{W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

Where:

Wi = Weight of the "i"th VOC compound, in grams.

Ww = Weight of water, in grams.

We = Weight of exempt compound, in grams.

MWi = Molecular weight of the "i"th VOC compound, in grams per gram-mole.

MWw = Molecular weight of water, in grams per gram-mole.

MWe = Molecular weight of the "e"th exempt compound, in grams per gram-mole.

PPc = VOC composite partial vapor pressure at twenty degrees Celsius (sixty-eight degrees Fahrenheit), in mm Hg.

VPi = Vapor pressure of the "i"th VOC compound at twenty degrees Celsius (sixty-eight degrees Fahrenheit), in mm Hg.

- (B) If not diluted prior to use, the owner or operator shall use formulation information provided by the supplier, such as a material safety data sheet (MSDS) or equivalent information from the supplier as long as ~~it~~ the information is based on

results determined in accordance with the procedure under paragraph ~~(A)(4)(I)(v)(d)(iii)(A)~~ (C)(4)(I)(v)(d)(iii)(A) of this rule.

(l) Unpaved roadways and parking areas.

(i) Qualifications.

The facility-wide total unpaved roadways and parking areas are greater than twelve thousand square feet but less than thirty thousand square feet in size.

(ii) Applicable emission limitations and 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:

<u>Applicable rule</u>	<u>Applicable Emission Limitations/Control Requirements</u>
<u>Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code.</u>	<u>The owner or operator shall employ fugitive dust control measures in order to minimize or eliminate fugitive dust emissions.</u>
<u>Paragraph (B)(5) of rule 3745-17-07 of the Administrative Code (applicable only if this emissions unit is located in an area identified in Appendix A of rule 3745-17-08 of the Administrative Code).</u>	<u>No visible particulate emissions (PE) except for thirteen minutes during any sixty minute period.</u>
<u>Paragraph (B) of rule 3745-17-08 of the Administrative Code (applicable only if this emissions unit is located in an area identified in Appendix A of rule 3745-17-08 of the Administrative Code).</u>	<u>As described in paragraph (C)(2)(I)(ii)(b) of this rule.</u>
<u>Rule 3745-15-07 of the Administrative Code.</u>	<u>The owner or operator shall not allow the unpaved roadway and parking area's dust emissions to cause a public nuisance.</u>

(b) The permittee shall employ reasonably available control measures to minimize or eliminate visible PE of fugitive dust by any of the following:

(i) The periodic application of asphalt, oil (excluding any used oil as defined in paragraph (A)(12) of rule 3745-279-01 of the Administrative Code), water or other suitable dust suppression chemicals on gravel roads and parking lots.

(ii) The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means.

(iii) Requiring open-bodied vehicles transporting materials likely to become airborne to have such materials covered at all times if the control measure is necessary for the materials being transported.

(iii) Operational restrictions.

The permittee shall treat the unpaved roadways and parking areas by application of chemical stabilization/dust suppressants or watering at sufficient treatment frequencies to ensure compliance. This paragraph shall not prohibit the permittee from employing other control measures to ensure compliance.

The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit-by-rule. Implementation of the control measures shall not be necessary for roadways and parking areas that are covered with snow or ice or if precipitation has occurred that is sufficient for that day to ensure emissions will be minimized or eliminated. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by using the control measure.

(iv) Monitoring and recordkeeping requirements.

(a) The permittee shall monitor the roadways and parking areas to determine if treatment is necessary.

(b) The permittee shall determine the frequency of monitoring the roadways and parking areas based on their knowledge of ambient conditions, the frequency of use, the roadway type, and the roadway condition in order to minimize or eliminate fugitive dust emissions.

(c) The permittee shall maintain records of the following information:

(i) The dates the control measures were implemented.

(ii) A description of the type of control measure implemented (watering, sweeping, application of dust suppressant, etc.).

These records shall be shall be maintained following paragraphs (C)(2)(a)(i) and (C)(2)(a)(v) of this rule.

(v) Reporting requirements.

The permittee shall provide copies of the records required in paragraph (C)(2)(1)(iv) of this rule to the Ohio EPA upon request.

(vi) Testing requirements.

None.

(m) Paved roadways and parking areas.

(i) Qualifications.

The facility-wide total paved roadways and parking areas are greater than forty-five thousand square feet but less than ninety thousand square feet in size.

(ii) Applicable emission limitations and 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:

<u>Applicable Rule</u>	<u>Applicable Emission Limitations/Control Requirements</u>
<u>Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code.</u>	<u>The owner or operator shall employ fugitive dust control measures in order to minimize or eliminate fugitive dust emissions.</u>
<u>Paragraph (B)(4) of rule 3745-17-07 of the Administrative Code (applicable only if this emissions unit is located in an area identified in Appendix A of rule 3745-17-08</u>	<u>No visible particulate emissions (PE) except for six minutes during any sixty minute period.</u>

<u>of the Administrative Code).</u>	
<u>Paragraph (B) of rule 3745-17-08 of the Administrative Code (applicable only if this emissions unit is located in an area identified in Appendix A of rule 3745-17-08 of the Administrative Code).</u>	<u>As described in paragraph (C)(2)(m)(ii)(b) of this rule.</u>
<u>Rule 3745-15-07 of the Administrative Code.</u>	<u>The owner or operator shall not allow the paved roadway and parking area's dust emissions to cause a public nuisance.</u>

(b) The permittee shall employ reasonably available control measures to minimize or eliminate visible PE of fugitive dust by any of the following:

(i) The periodic application of asphalt, oil (excluding any used oil as defined in paragraph (A)(12) of rule 3745-279-01 of the Administrative Code), water or other suitable dust suppression chemicals on gravel roads and parking lots.

(ii) The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means.

(iii) Requiring open-bodied vehicles transporting materials likely to become airborne to have such materials covered at all times if the control measure is necessary for the materials being transported.

(iv) Operational restrictions.

The permittee shall treat the unpaved roadways and parking areas by application of chemical stabilization/dust suppressants or watering at sufficient treatment frequencies to ensure compliance. This paragraph shall not prohibit the permittee from employing other control measures to ensure compliance.

The needed frequencies of implementation of the control measures shall be determined by the

permittee's inspections pursuant to the monitoring section of this permit-by-rule. Implementation of the control measures shall not be necessary for roadways and parking areas that are covered with snow or ice or if precipitation has occurred that is sufficient for that day to ensure emissions will be minimized or eliminated. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by using the control measure.

(v) Reporting requirements.

The permittee shall provide copies of the records required in paragraph (C)(2)(m)(iv) of this rule to the Ohio EPA upon request.

(vi) Testing requirements.

None.

~~(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:

Five Year Review (FYR) Dates: 11/30/2015

---

Certification

---

Date

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: 7/5/73, 1/1/74, 11/07/79, 6/14/82, 8/15/82, 9/18/87,  
8/14/89, 10/8/93, 4/20/94, 6/1/94, 11/18/94, 4/12/96,  
4/27/98, 06/18/01, 11/30/01, 10/17/03, 7/29/05,  
11/03/06, 12/01/06, 6/30/08, 8/26/10

3745-31-05

**Criteria for decision by the director.**

[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 ~~the "Incorporation by Reference" section at the end of rule 3745-31-01 of the Administrative Code~~ paragraph (LLLLL) of rule 3745-31-01 of the Administrative Code titled, "referenced materials."]-]

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

The director shall issue a permit-to-install or PTIO, 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/she~~ the director determines that the installation, modification or operation of the air contaminant source will do all of the following:

- (1) Not prevent or interfere with the attainment or maintenance of applicable ambient air quality standards; ~~and,~~
- (2) Not result in a violation of any applicable laws, including but not limited to the following:
  - (a) Emission standards adopted by the Ohio environmental protection agency; ~~;~~
  - (b) 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; ~~;~~
  - (c) Requirements pertaining to installation of major stationary sources or major modifications in attainment and nonattainment areas as contained in ~~the rules~~ rules 3745-31-10 to ~~rule~~ 3745-31-27 of the Administrative Code.
  - (d) 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~~ part 61 and 40 CFR ~~Part~~ part 63); ~~;~~
- (3) Employ BAT, when applicable, in accordance with the following:
  - (a) BAT shall be evaluated, determined and required in either the initial permit-to-install or PTIO issued for an air contaminant source or when

a modification of the air contaminant source results in the issuance of a permit-to-install or PTIO, except the following:

- (i) BAT is not required if the air contaminant source was installed ~~on or~~ before January 1, 1974~~;~~
  - (ii) BAT is not required if the air contaminant source was installed or modified on or after August 3, 2006 and has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the Clean Air Act~~;~~
  - (iii) If the only requirement to obtain a permit-to-install or PTIO is due to one of the following, any existing BAT determination, when applicable, remains in effect and BAT shall not be reevaluated and redetermined:
    - (a) A modification as a result of the requirements of paragraph (QQQ)(1)(b) of rule 3745-31-01 of the Administrative Code~~;~~
    - (b) The requirements of paragraph (F) of this rule~~;~~
    - (c) An administrative modification.
  - (iv) BAT is not required for any existing, new, or modified air contaminant source that is subject to a plant-wide applicability limit that has been approved by the director.
- (b) For air contaminant sources subject to an existing BAT determination, BAT shall be reevaluated and redetermined when a modification of the air contaminant ~~source(s)~~ source occurs.
  - (c) Except as provided in paragraph (A)(3)(b) of this rule, BAT shall not be reevaluated and redetermined when a PTIO is renewed, notwithstanding a modification as defined in rule 3745-31-01 of the Administrative Code. However, any existing BAT determination remains in effect.
  - (d) BAT may be reevaluated and redetermined at any time, in accordance with the definition of BAT contained in rule 3745-31-01 of the Administrative Code, based on data available at the time the air

contaminant source was initially installed or most recently modified, whichever occurs later.

(e) Any reevaluated and redetermined BAT shall be in effect upon completion of the physical change or change in the method of operation or, when a physical change for change in the method of operation is not applicable, upon issuance of the permit-to-install or PTIO. Prior to completion of the physical change or change in the method of operation or issuance of the permit-to-install or PTIO, any existing BAT determination remains in effect.

(f) When applicable in accordance with this rule, if any of the following apply to the air contaminant source, then the director shall determine BAT to be, at a minimum, equivalent to the limit contained within the applicable rule:

(i) Paragraphs (C) to (J), (K) with the exception of (K)(4), (L) to (N), (O) with the exception of (O)(2)(e), (P) to (R), (U) with the exception of (U)(2)(k) and (U)(2)(l), (V) to (X), (Y) with the exception of (Y)(2)(d) and (Y)(3), (Z) to (EE), and (DDD) of rule 3745-21-09 of the Administrative Code as the rule existed on January 1, 2006 as required in division (T) of section 3704.03 of the Revised Code.

(ii) Rules 3745-21-11 to 3745-21-16 of the Administrative Code as the rules existed on January 1, 2006 as required in division (T) of section 3704.03 of the Revised Code.

This determination shall be made on a pollutant by pollutant basis.

(g) If the only reason the rules contained in paragraphs (A)(3)(f)(i) to (A)(3)(f)(ii) of this rule do not apply is because the air contaminant source is located in a non-applicable county under the rules contained in paragraphs (A)(3)(f)(i) to (A)(3)(f)(ii) of this rule, then the director shall determine BAT to be equivalent to the most stringent limit contained within the applicable rule regardless of the air contaminant source's location. This determination shall be made on a pollutant by pollutant basis.

(B) During operation, the air contaminant source shall be in compliance with applicable rules and laws or if either required by rule or when the director determines it is necessary, the owner or operator shall be required to submit an approvable compliance plan, as required by division (G) of section 3704.03 of the Revised Code, for incorporation into the permit terms and conditions. A compliance plan shall be approvable where it shows the following to the satisfaction of the director

that:

- (1) Operation of the air contaminant source under the compliance plan will result in compliance with all applicable requirements and laws as expeditiously as practicable but no later than any date required by applicable law;
- (2) All reasonable interim control measures are identified; ~~and~~.
- (3) Where applicable, is consistent with and at least as stringent as any compliance schedule contained in any judicial consent decree or administrative order to which the air contaminant source is subject.

(C) Conditional PTIOs.

If a new source that has been constructed, installed, located or modified in accordance with the provisions of a permit-to-install or PTIO, and otherwise in accordance with applicable law, is not subject to Chapter 3745-77 of the Administrative Code, is unable to comply with the terms and conditions of the permit ~~and/or~~ or applicable law as of the date the source began operation, the director may grant a conditional PTIO to operate such source provided the owner or operator provides sufficient information to demonstrate the following:

- (1) The period is used to remedy any defect which prevents such compliance and the applicant demonstrates that compliance with emission standards prescribed by applicable law will be achieved as expeditiously as practicable; ~~and~~.
- (2) Any reasonably available alternative operating procedures and interim control measures have been used or will be used to reduce excess emissions; ~~and~~.
- (3) The continued operation of the source pursuant to the conditional PTIO will not endanger or threaten to endanger human health.

Conditional PTIOs shall contain such terms and conditions as the Ohio environmental protection agency determines necessary and appropriate.

(D) Special terms and conditions including federally enforceable limitations on potential to emit.

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.

(1) Special terms and conditions necessary to ensure compliance with requirements mandated by the Clean Air Act, which include regulations promulgated by the administrator there under, include synthetic minor emissions unit terms and conditions issued in a permit-to-install or PTIO ~~and/or~~ or Federally Enforceable PTIO (FEPTIO). Such terms and conditions shall be federally enforceable and may restrict a stationary source's potential to emit below major source thresholds, below thresholds for other Clean Air Act requirements, or place other restrictions on an air contaminant source or stationary source in order to avoid a Clean Air Act ~~requirement(s)~~ requirement. Federally enforceable terms and conditions, including limitations on the potential to emit of a source, ~~will~~ shall be designated as such through one of the following:

(a) Terms and conditions of a final permit-to-install issued under this chapter; ~~or,~~

(b) Terms and conditions of a final FEPTIO issued under this chapter; ~~or,~~

[Comment: In 59 FR 53586, October 25, 1994, (as revised in 60 FR 55200, October 30, 1995), the United States environmental protection agency approved rule language providing for the creation of a program for issuing federally enforceable state operating permits. See former rule 3745-35-07 of the Administrative Code as existed on November 3, 2006. That approved rule language has been incorporated in paragraphs (D)(1) to (D)(4) of this rule. Consequently, such designated terms and conditions imposed in an FEPTIO under the approved program elements contained in the language of paragraphs (D)(1) to (D)(4) of this rule will be considered federally enforceable as of the effective date of this rule, unless and until the United States environmental protection agency later disapproves the language.]

(c) Rules or orders of the director that are submitted to and approved by the administrator as revisions to the Ohio state implementation plan under ~~Section~~ section 110 and 112(1) of the Clean Air Act.

(2) In order to be federally enforceable, a limitation on the potential to emit of an air contaminant source or stationary source ~~must~~ shall do the following:

(a) Specify an annual limit on emissions from the source; ~~;~~

(b) Specify a short-term limit on emissions for each pollutant to be restricted, and specify a short-term limit on production or operation, provided that

for purposes of limiting potential to emit, acceptable short-term limitations on production or operation shall include but not be limited to one of the following:

- (i) A thirty-day summation limitation or three-hundred and sixty-five day rolling summation limitation computed each calendar day;
  - (ii) A monthly limitation;~~or,~~
  - (iii) A rolling twelve-month summation limitation;~~and,~~
- (c) Specify adequate and enforceable methods for establishing compliance with the annual and short-term limits, using methods from 40 CFR ~~Part~~ part 60, ~~Appendix~~ appendix A or 40 CFR ~~Part~~ part 51, ~~Appendix~~ appendix M where appropriate;~~and,~~
- (d) Be no less stringent than any federally applicable requirement to which the source is subject;~~and,~~
- (e) Be contained in a permit first issued as a draft or proposed action with an opportunity for public comment under rule ~~3745-47-05~~ 3745-49-05 of the Administrative Code with concurrent notice and opportunity for comment given to the administrator of the United States environmental protection agency region five. During the public comment period, if the administrator objects that the terms and conditions of the permit are not federally enforceable, the director shall not issue the permit until such objection has been resolved.
- (3) Only those terms and conditions issued in a permit under this chapter and in accordance with paragraph (D)(2) of this rule that are necessary to avoid a Clean Air Act ~~requirement(s)~~ requirement, including a limitation on the potential to emit of an air contaminant source or stationary source, and expressly designated as federally enforceable, shall be federally enforceable.
- (4) Upon the request of the owner or operator, any of the mechanisms provided in paragraph (D)(1) of this rule shall allow for trading of emissions increases and decreases among air contaminant sources located at the same stationary source that is consistent with the Clean Air Act for the purpose of complying with a federally enforceable cap on the potential to emit of the source. Such limitations shall ensure that the trades are quantifiable and enforceable and require seven-day advance notification to the appropriate Ohio environmental protection agency district office or delegated local air agency.

(5) Relaxation of federally enforceable limitations.

At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any federally enforceable term and condition or limitation established after August 7, 1980, on the capacity of the stationary source or modification otherwise to emit an air pollutant, such as a restriction on hours of operation, ~~the requirements of rules 3745-31-10 to 3745-31-27 and 3745-31-30 to 3745-31-32~~ of the Administrative Code shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

(E) State-only enforceable limitations.

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 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, PTIO or FEPTIO.

(F) Voluntary limits on allowable emissions.

The owner or operator of any air contaminant source may apply for a permit-to-install or PTIO to voluntarily limit the allowable emissions from the air contaminant source or limit the type of air contaminants authorized to be emitted from the air contaminant source. In such cases, the director may impose such special terms and conditions to ensure compliance with the voluntary limit on allowable emissions. The director shall act upon such application in accordance with the requirements of this rule, provided that paragraphs (A)(3) and (I) of this rule shall not apply unless the application is for the installation of a new source as defined ~~by~~ in rule 3745-31-01 of the Administrative Code or is for a modification of an air contaminant source as defined ~~by~~ in rule 3745-31-01 of the Administrative Code.

(G) Express permit-to-install or express PTIO processing.

- (1) An applicant whose air contaminant source meets the following criteria may request in writing that the air contaminant source's application receives express permit-to-install or express PTIO processing as defined in rule 3745-31-01 of the Administrative Code. In order to be considered for express processing, the air contaminant source owner or operator ~~must~~ shall do the following:

- (a) Apply for a permit-to-install or a PTIO for a source undergoing installation or modification as defined in rule 3745-31-01 of the Administrative Code.
  - (b) Submit a complete permit-to-install or PTIO application;
  - (c) Demonstrate compliance with all applicable law;
  - (d) Have maximum uncontrolled emissions as defined in rule 3745-31-01 of the Administrative Code of less than five tons per pollutant per each year for particulate matter, sulfur dioxide, nitrogen oxides, and OCs;
  - (e) Not be subject to the United States environmental protection agency new source performance standards, and
  - (f) Not be subject to the national emission standards for hazardous air pollutants or a United States environmental protection agency promulgated standard for HAPs.
- (2) The issuance of an express permit-to-install or express PTIO does not relieve the applicant from compliance with any applicable air pollution control requirement and is at the discretion of the director.

~~(H) Site approval for portable sources~~

- ~~(1) In determining whether the director issues a site approval for a portable source, the applicant must demonstrate that the following criteria have been met:~~
- ~~(a) The portable source continues to comply with the currently effective Ohio environmental protection agency permit to install, PTIO or registration status.~~
  - ~~(b) The portable source was issued a permit to install or PTIO and where BAT requirements were defined in that permit to install or PTIO, the portable source continues to comply with any applicable BAT requirements.~~
  - ~~(c) The portable source owner has identified the proposed site to Ohio environmental protection agency.~~
  - ~~(d) Ohio environmental protection agency has determined that the portable source, at the proposed site, will have an acceptable environmental impact.~~

~~(e) A public notice, consistent with Chapter 3745-47 of the Administrative Code, is published in the county where the proposed site is located.~~

~~(f) 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.~~

~~(g) The portable source owner has provided Ohio environmental protection agency with fifteen days advance written notice of the relocation.~~

~~[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 or PTIO 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.]~~

~~(2) Site approvals expire and are renewed according to paragraph (C)(2) of rule 3745-31-07 of the Administrative Code.~~

~~(H)~~(H) In deciding whether to grant or deny a permit-to-install or PTIO, 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 PTIO.

~~(I)~~(I) The director shall coordinate the review and issuance of an air pollution permit-to-install or PTIO with any other relevant Ohio environmental protection agency permit-to-install program. This coordination of an individual permit-to-install or PTIO shall involve the identification of materials to relevant programs and the coordination of the granting or denying of program separate or program combined permit-to-installs or PTIOs. A coordinated review and issuance of an air pollution permit-to-install or PTIO for an air contaminant source is typically needed for the following types of air contaminant sources and would be coordinated with the following divisions:

Air Contaminant Source Type	DHWM	DSW	DDAGW	DSIWM
Composting Facility	X	X	X	X
Degreasing/Cold Cleaning	X	X		
Dry Cleaning	X	X		

Gasoline Dispensing Facility	X	X		
Infectious Waste Incinerator	X	X		
Liquid Material Storage Tanks	X	X	X	
Loading Rack	X	X		
Painting Operations	X	X		
Printing Operations	X	X		
Sanitary Landfill		X	X	X
Solid Waste Incinerator		X		X
Solid Waste Transfer Facility		X	X	X
Sources with Baghouses	X			
Sources with Electrostatic Precipitators	X			
Sources with Scrubbers	X	X		
Hazardous Waste Management Unit	X	X	X	
Hazardous Waste Recycling Facility	X	X	X	

<u>Air Contaminant Source Type</u>	<u>DMWM</u>	<u>DSW</u>	<u>DDAGW</u>
<u>Composting Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Degreasing/Cold Cleaning</u>	<u>X</u>	<u>X</u>	
<u>Dry Cleaning</u>	<u>X</u>	<u>X</u>	
<u>Gasoline Dispensing Facility</u>	<u>X</u>	<u>X</u>	
<u>Infectious Waste Facility</u>	<u>X</u>	<u>X</u>	
<u>Liquid Material Storage Tanks</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Loading Rack</u>	<u>X</u>	<u>X</u>	
<u>Painting Operations</u>	<u>X</u>	<u>X</u>	
<u>Printing Operations</u>	<u>X</u>	<u>X</u>	
<u>Sanitary Landfill</u>	<u>X</u>	<u>X</u>	<u>X</u>

<u>Solid Waste Incinerator</u>	<u>X</u>	<u>X</u>	
<u>Solid Waste Transfer Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Sources with Baghouses</u>	<u>X</u>		
<u>Sources with Electrostatic Precipitators</u>	<u>X</u>		
<u>Sources with Scrubbers</u>	<u>X</u>	<u>X</u>	
<u>Hazardous Waste Management Unit</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Hazardous Waste Recycling Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>

~~DHWM~~DMWM - division of materials and hazardous waste management; DSW - division of surface water; DDAGW - division of drinking and ground waters; ~~DSIWM~~ - ~~solid and infectious waste management~~

The director may consult with other Ohio environmental protection agency programs or other persons as ~~he/she~~ the director deems appropriate.

Effective:

Five Year Review (FYR) Dates: 11/30/2015

---

Certification

---

Date

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)  
Prior Effective Dates: 7/5/73, 1/1/74, 12/7/78, 11/7/79, 6/14/82, 8/15/82,  
9/18/87, 11/17/88 (Emer.), 3/9/89 (Emer.), 6/12/89,  
10/8/93, 4/20/94, 10/31/94, 11/18/94, 4/12/96,  
4/27/98, 6/18/01, 11/30/01, 10/17/03, 10/28/04,  
11/3/06, 12/1/06, 6/30/08

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."]

**(A) Completeness review time restriction.**

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~~ tribal 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 (I)(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.

Effective:

Five Year Review (FYR) Dates: 11/30/2015

---

Certification

---

Date

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: 7/5/73, 1/1/74, 12/7/78, 11/7/79, 6/14/82, 8/15/82,  
9/18/87, 11/17/88 (Emer.), 3/9/89 (Emer.), 6/12/89,  
10/8/93, 4/20/94, 10/31/94, 11/18/94, 4/12/96,  
4/27/98, 6/18/01, 11/30/01, 10/17/03, 10/28/04,  
11/3/06, 12/1/06, 6/30/08, 5/29/14

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				
PM2.5	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~~ tribal 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.

Effective:

Five Year Review (FYR) Dates: 11/30/2015

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(F)  
Rule Amplifies: 3704.03(A), 3704.03(F)  
Prior Effective Dates: 4/12/96, 12/1/06, 5/29/14

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~~ the sources 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 (PM2.5)- four  $\mu\text{g}/\text{m}^3$ , twenty-four-hour average [Comment: this applies only to directly emitted PM2.5].
  - (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 or nitrogen oxides for the purpose of ozone 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.

Effective:

Five Year Review (FYR) Dates: 11/30/2015

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(F)  
Rule Amplifies: 3704.03(A), 3704.03(F)  
Prior Effective Dates: 4/12/96, 10/28/04, 12/1/06, 5/29/14

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 or nitrogen oxides for the purpose of ozone, 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~~ part 58, ~~Appendix~~ appendix A during the operation of monitoring stations for purposes of satisfying paragraph (C) of this rule.

Effective:

Five Year Review (FYR) Dates: 11/30/2015

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(F)  
Rule Amplifies: 3704.03(A), 3704.03(F)  
Prior Effective Dates: 4/12/96, 12/1/06, 5/29/14

3745-31-33

**Site preparation activities prior to obtaining a final permit-to-install or PTIO.**

(A) Under paragraph (A)(1) of rule 3745-31-02 of the Administrative Code, new air contaminant sources or modified air contaminant sources shall not be installed or modified until a final permit-to-install or PTIO is obtained from the director. This rule describes activities that can be undertaken prior to obtaining a final permit-to-install or PTIO and, are therefore, excluded from the definition of begin actual construction.

[Comment: Some activities described in this rule may not begin until any applicable national pollutant discharge elimination system (NPDES) permit, isolated wetland permit or 401 water quality certification is obtained. Notwithstanding any other provision of this rule, compliance with this chapter does not relieve any person from the requirements of Chapter 3734. or 3714. of the Revised Code and rules adopted thereunder.]

(B) Risk to the owner or operator.

- (1) This rule does not in any way guarantee that a final permit-to-install or PTIO will be issued.
- (2) The implementation of any of the activities described in this rule are at the entire risk of the owner or operator.
- (3) If a final permit-to-install or PTIO is issued, any necessary design changes, and the costs associated with those design changes (including costs due to delayed construction) in order to comply with the terms of the final permit-to-install or PTIO are entirely at the owner or operator's risk. Any costs associated with these design changes may not be used as part of any BAT, BACT, LAER or MACT determination cost-effectiveness evaluations.

(C) General restrictions.

All construction activities must comply with any applicable fugitive dust requirements contained in rule 3745-17-08 of the Administrative Code.

(D) Installation of buildings or structures not containing air contaminant sources.

The construction of warehouses, store rooms, office buildings, or other buildings or structures that are not planned to contain any air contaminant ~~source(s)~~ source as part of an air contaminant source project may be constructed prior to obtaining a final permit-to-install or PTIO if the buildings or structures would be built (for business financial reasons) even though no final permit-to-install or PTIO could be

obtained.

(E) Acceptable site preparation activities for any air contaminant source project.

The following activities do not constitute beginning actual construction and may be undertaken prior to obtaining a final permit-to-install or PTIO for a particular air contaminant source project:

- (1) Clearing the site of existing vegetation, old buildings, or old equipment.
- (2) Grading and clearing of land, stripping and stockpiling topsoil, earthwork cut and fill for foundations in preparation for construction.
- (3) Installing temporary site access roadways and parking areas.
- (4) Installing temporary construction equipment storage areas.
- (5) Storing of construction equipment including temporary buildings and trailers for equipment storage and for construction offices.
- (6) Exploratory excavation and borings to assess the suitability of a site for the intended building or installation activities.
- (7) Excavating building footers, pilings, foundations, pads, and platforms, etc. (note, no pouring of concrete is allowed).
- (8) Installing concrete forms and reinforcing bar for any concrete footers, pilings, foundations, pads and platforms, etc. (note, no pouring of concrete is allowed).
- (9) Installing temporary utilities for site construction including electricity, water, gas, communication and sanitary.
- (10) Removing old equipment from existing buildings.
- (11) Installation of any temporary construction dust control systems (sprinklers, etc.).
- (12) Installation of any signage or traffic control signs.
- (13) Installation of any utility poles by a utility company.

- (14) Installation of temporary erosion and sedimentation control systems including hay bales, silt fences, rip-raps and sandbags.
  - (15) Installation of new landscaping including trees, bushes and seeding of disturbed earthwork.
  - (16) Installation of landscaping fencing.
  - (17) Installation of temporary fences and signs around the construction site.
  - (18) Stockpiling of stone, soil and other materials for future construction.
- (F) Additional acceptable site preparation activities for any source that is not a major new or modified source (i.e., minor modifications and minor new sources).

The following additional site preparation activities may be undertaken prior to obtaining a final permit-to-install or PTIO provided the air contaminant source project is not a major modification, a major stationary source, or part of a permit-to-install or PTIO designed to avoid a major modification or classification of a major stationary source through permit-to-install or PTIO restrictions (known as a synthetic minor or netting permits avoiding major new source review). These activities may only be undertaken if the owner or operator has filed a complete application for a permit-to-install or PTIO, the director or his/her designee has determined the application is administratively complete, and the owner or operator has provided notification, in a form and manner prescribed by the director, of the activities described in this rule that the owner or operator plans to undertake prior to receiving a final permit-to-install or PTIO.

- (1) Installing electrical service for any air contaminant ~~source(s)~~ source or air pollution control equipment up to the service panel for the new equipment. Connections to any air contaminant ~~source(s)~~ source or air pollution control equipment cannot be made until a final permit-to-install or PTIO is issued and effective.
- (2) Installing piping and sewers up to the point of connection to any air contaminant ~~source(s)~~ source or air pollution control equipment. Connections to any air contaminant ~~source(s)~~ source or air pollution control equipment cannot be made until a final permit-to-install or PTIO is issued and effective.
- (3) Installing inlet air and exhaust duct work with the exception of final connections to the air contaminant ~~source(s)~~ source or air pollution control equipment.

- ~~(4) Installing site drainage systems including ditches, culverts, earthwork for underground storm drains, headwalls and catch basins. This is authorized only if any necessary storm water permits have been obtained.~~
- (5)(4) Installing concrete footers, foundations, pads and platforms for the building or for equipment.
- ~~(6)~~(5) Installing any permanent roadways and parking areas not required under this chapter to obtain a permit-to-install or PTIO.
- ~~(7)~~(6) Storing parts and equipment of the air contaminant ~~source(s)~~ source or air pollution control equipment.
- ~~(8)~~(7) Construction of new or expanded buildings, or the renovation or upgrading of existing buildings, in preparation for the installation of new or modified air contaminant ~~source(s)~~ source or air pollution control equipment.
- ~~(9)~~(8) Equipment that constitutes a component of an air contaminant source (including air pollution control equipment) may be delivered to the site prior to obtaining a final permit-to-install or a PTIO if the following criteria are met:
- (a) If the equipment is to be installed in an existing building, then it may be placed in its final location and secured. No utilities, piping, or duct work may be connected to the equipment. The equipment shall not be operated.
  - (b) If the equipment is to be installed in a building that has not yet been built, then it can either be secured on the foundation of its final site or may be located anywhere on the property. No utilities, piping, or duct work may be connected to the equipment. The equipment shall not be operated.
- (G) ~~The director, at his/her~~At the director's discretion and in writing, the director may determine that an activity not listed in paragraphs (E) and (F) of this rule is an activity that can be undertaken prior to obtaining a final permit-to-install or PTIO for an air contaminant source project. Any activity approved by the director ~~must~~ shall meet the requirements described in division (F)(5) of section 3704.03 of the Revised Code and ~~must~~ shall meet all applicable law. A request for approval of these activities shall be made in writing and shall provide: a detailed description of the desired activities; an analysis of why the activities are allowed under all state and federal air pollution rules, regulations ~~and/or~~ or laws; and a description of the

adverse consequences that would occur to the permittee if the activities were not allowed prior to obtaining a final permit-to-install or PTIO.

Effective:

Five Year Review (FYR) Dates: 11/30/2015

---

Certification

---

Date

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: 12/1/06, 6/30/08