

# SENATE BILL 265 OF THE 126th GENERAL ASSEMBLY (SB265)

## Beginning Actual Construction

- Effective December 1, 2006, Ohio EPA promulgated OAC rule 3745-31-33, "Site preparation activities prior to obtaining a final permit-to-install," in order to implement the requirements of division (F)(5) of ORC 3704.03.

**ORC 3704.03(F)(5)** Not later than one year after the effective date of this amendment, the director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying activities that do not, by themselves, constitute beginning actual construction activities related to the installation or modification of an air contaminant source for which a permit to install is required such as the grading and clearing of land, on-site storage of portable parts and equipment, and the construction of foundations or buildings that do not themselves emit air contaminants. The rules also shall allow specified initial activities that are part of the installation or modification of an air contaminant source, such as the installation of electrical and other utilities for the source, prior to issuance of a permit to install, provided that the owner or operator of the source has filed a complete application for a permit to install, the director or the director's designee has determined that the application is complete, and the owner or operator of the source has notified the director that this activity will be undertaken prior to the issuance of a permit to install. Any activity that is undertaken by the source under those rules shall be at the risk of the owner or operator. The rules shall not apply to activities that are precluded prior to permit issuance under section 111, section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act.