3745-31-01 **Definitions.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the "Incorporation by Reference" section at the end of this rule.]

(A) Except as otherwise provided in this rule, the definitions in rules 3745-15-01, 3745-21-01 and 3745-27-01 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 ~~an air~~ pollutant from an emissions unit, as determined in accordance with paragraphs (C)(1) to (C)(4) of this rule, 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 ~~air~~ pollutant during a consecutive 24-month~~two-year~~ period which~~that~~ precedes the particular date and which is representative of normal emissions unit operation. The director shall~~may~~ 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 ~~(other than an electric utility steam generating 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.

~~(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit), actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit following the physical or operational change, provided the unit owner or operator maintains and submits to the director, on an annual basis for a period of five years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten~~

~~years, may be required by the director if he determines such a period to be more representative of normal unit post-change operations.~~

(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.

~~(D)~~(F) "Administrative modification(s)" is defined as a change to a permit to install that does not meet the definition of a "modification" under rule 3745-31-01 of the Administrative Code.

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

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

~~(G)~~(I) "Air contaminant source" means each separate operation, or activity that results or may result in the emission of any air contaminant. This definition applies to operations or activities that emit air contaminants, whether regulated under Ohio law or regulated under the Clean Air Act.

(J) "Air Contaminant Source Project" means, for the purposes of paragraph 3745-31-03(A)(1)(qq) of the Administrative Code, one or more air contaminant sources and/or one or more modifications to air contaminant source(s), each with an uncontrolled potential to emit of less than Column B of the Threshold Exemption Table described in paragraph 3745-31-03(A)(1)(qq)(xi) of the Administrative Code, associated with a discrete production goal or objective where installation is scheduled to begin or has begun within any 12-month period. For the purposes of this definition, installation shall mean the same as described in paragraph 3745-31-03(A)(1)(qq)(vi) of the Administrative Code.

~~(H)~~(K) "Allowable emissions" means the emissions 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 state implementation plan emissions 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.

~~(I)~~(L) "Applicable laws" means any applicable provisions of Chapters 3704. and 3745. of the Revised Code, as amended; rules, regulations, and orders of the Ohio EPA; the Clean Air Act, as amended; and rules and regulations of the administrator of the United States environmental protection agency.

(M) "Auto body refinishing facility" means a facility engaged primarily in collision repair and refinishing of automobiles and light duty trucks. Automobile "paint-only" and customizing facilities, which are engaged in repainting used motor vehicles and light duty 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)(f) of rule 3745-31-03 of the Administrative Code, are also included in this definition.

~~(J)~~(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~~ 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; and

(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 24-month period selected by the owner or operator within the 5-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 24-month period.

(c) For a regulated NSR pollutant, when a NSR project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(d) The average rate shall not be based on any consecutive 24-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 24-month period selected by the owner or operator within the 10-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 10-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 24-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 24-month period. However, if an emission limitation is part of a maximum achievable control technology 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 emissions 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 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(e) The average rate shall not be based on any consecutive 24-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 unit has not yet begun, or shall equal the unit's potential to emit if operation of the new 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.

~~(K)~~(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 equal to or greater than 1 microgram per cubic meter (annual average) of the air pollutant for which the minor source baseline date is established.

Any baseline area established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 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 (NNN)(4) of this rule.

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

(1) Establishes a minor source baseline date; or

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

~~(L)~~(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 ~~air~~ pollutant for which a minor source baseline date is established and shall include: ~~The~~

(1) The actual emissions, as defined in paragraph (C) of 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 the allowable emissions of major stationary sources that commenced construction before January 6, 1975 but were not in operation by the applicable baseline date. The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):~~

(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 increases(s):

~~(1)~~(a) Actual emissions, as defined in paragraph (C) of this rule, from any major stationary source on which construction commenced after the major source baseline date~~January 6, 1975~~; and

~~(2)~~(b) Actual emissions increases and decreases, as defined in paragraph (C) of this rule, at any stationary source occurring after the minor source baseline date.

~~(M) "Baseline date" means the earliest date after August 7, 1977 that an owner or operator of a major stationary source or major modification subject to 40 CFR 52.21 submits a complete application under that section.~~

~~The baseline date is established for each air pollutant for which increments or other equivalent measures have been established if:~~

~~(1) The area in which the proposed major stationary source or major modification would be constructed is designated as attainment or unclassifiable under Section 107(d) of the Clean Air Act for the air pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166; and~~

~~(2) In the case of a major stationary source, the air 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 air pollutant.~~

~~(N)~~(R) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities, other than preparatory activities, that mark the initiation of the change.

~~(O)~~(S) "Best available control technology(BACT)" means an emissions limitation (including a visible emissions standard) based on~~upon~~ the maximum degree of reduction for each ~~air~~ regulated NSR pollutant which~~subject to regulation under the Clean Air Act that~~ would be emitted from any proposed major stationary source or major modification which~~that~~ 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 ~~air~~ pollutant. In no event shall application of best available control technology result in emissions of any ~~air~~ 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 emissions 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 best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which~~that~~ achieve equivalent results.

~~(P)~~(T) "Best available technology (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.

~~(Q)~~(U) "Clean Air Act" means the Clean Air Act as amended November 15, 1990; 42 U.S.C. 7401 to 7671q~~et. seq~~.

~~(R)~~(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 ~~the date of enactment of the Clean Air Act Amendments of 1990.~~

~~(S)~~(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 $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the environmental protection agency. The federal contribution for a qualifying clean coal technology demonstration project shall be at least twenty percent 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) "Clean Unit" means any emissions unit that has been issued a nonattainment NSR permit or PSD permit that requires compliance with BACT or LAER, that is complying with such BACT or LAER requirements, and qualifies as a Clean Unit pursuant to rule 3745-31-30(A) of the Administrative Code; or any emissions unit that has been designated by the director as a Clean Unit, based on the criteria in rule 3745-31-30(B)(3) of the Administrative Code, using a permit to install process.

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

(1) Begun, or caused to begin, a continuous program of actual on-site construction 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.

~~(U)~~(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.

~~(V)~~(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.

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

(1) Fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants, 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 hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants, unless the process or production unit satisfies the following criteria:

(a) All hazardous air pollutants emitted by the process or production unit that would otherwise be controlled under the requirements of this subpart 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 best available control technology (BACT), lowest achievable emission rate (LAER), best available technology (BAT), or Maximum Available Control Technology (MACT) based on air toxics rules

for the category of pollutants which includes those hazardous air pollutants to be emitted by the process or production unit; or

(ii) The director determines that the control of hazardous air pollutant 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 percent control efficiency for emissions of hazardous air pollutants from all sources to be controlled by the existing control equipment will be equivalent to the percent 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~~W~~)(2)(a), (CC~~W~~)(2)(b), and (CC~~W~~)(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.

~~(X)~~(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 ~~actual~~ emissions.

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

(GG) "Continuous parameter monitoring system (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, O_2 or CO_2 concentrations), and to record average operational parameter value(s) on a continuous basis.

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

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

(2) Enclose systems or processes to eliminate emissions;

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

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

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

~~(Z)~~(II) "Criteria pollutant" means particulate matter, nitrogen oxides, volatile organic compounds, 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.

~~(AA)~~(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.

~~(BB)~~(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 MW 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.

~~(CC)~~(MM) "Emissions unit" means any part of a stationary source ~~each separate operation, or activity~~ that emits or would have the potential to emit any ~~air~~ regulated NSR pollutant and includes an electric steam generating unit~~subject to regulation under the Clean Air Act~~. ~~Operations or activities~~ Air contaminant sources that do not emit or~~, and~~ would not have the potential to emit any regulated NSR ~~air~~ pollutant ~~subject to regulation under the Clean Air Act~~ but which emit a pollutant regulated under state law are not considered emissions units. There are two types of emissions units:

(1) A new emissions unit is any emissions unit which is (or will be) newly constructed and which has existed for less than 2 years from the date such emissions unit first operated.

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

~~(DD)~~(NN) "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 nonroad 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 ~~most recent published version~~ "Standard Industrial Classification Manual~~, 1987~~."

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

~~(FF)~~(PP) "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 USEPA-approved program that is incorporated into the Ohio state implementation plan and expressly requires adherence to any permit issued under such program.

(QQ) "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.

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

~~(HH)~~(SS) "General permit" means a general permit to install.

~~(II)~~(TT) "General permit to install" means a permit to install issued under rule 3745-31-29 of the Administrative Code.

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

~~(KK)~~(VV) "Hazardous air pollutant" means any air pollutant listed in or pursuant to Section 112(b) of the Clean Air Act.

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

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

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

~~(OO)~~(ZZ) "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.

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

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

(CCC) "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.

~~(QQ)~~(DDD) "List of source categories" means the source category list required by section 112(c) of the Clean Air Act.

~~(RR)~~(EEE) "Low terrain" means any area other than high terrain.

~~(SS)~~(FFF) "Lowest achievable emission rate (LAER)", for any emissions unit~~stationary source~~, means the more stringent rate of emissions based on the following:

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

(2) The most stringent emissions limitation that is achieved in practice by such class or category of emissions unit~~stationary source~~. This limitation, when applied to a major modification, means the lowest achievable emissions rate 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~~stationary source~~ to emit any air pollutant in excess of the amount allowable under applicable new source standards of performance.

~~(TT)~~(GGG) "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 hazardous air pollutant control required by paragraph (E) of rule 3745-31-28 of the Administrative Code.

~~(UU)~~(HHH) "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 hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants.

~~(VV)~~(III) "Major modification" means: ~~any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase. In determining whether there has been a net emissions increase,~~

~~fugitive emissions, to the extent quantifiable, shall be considered from only those stationary sources listed in paragraph (VV)(4) of rule 3745-31-01 of the Administrative Code. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone. A physical change or change in the method of operation shall not include:~~

Any physical change in or change in the method of operation of a major stationary source that would result in:

(1) A significant emissions increase of a regulated NSR pollutant; and

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

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

(3) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is considered significant for volatile organic compounds shall be considered significant for ozone.

(4) 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 paragraph (III)(4)(a) through (III)(4)(d) 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 (SSS) 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(s).

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 units before the NSR project equals or exceeds the significant amount for that pollutant.

(c) Emission test for NSR projects that involve clean units.

For a NSR project that will be constructed and operated at a clean unit without causing the emissions unit to lose its clean unit designation, no emissions increase is deemed to occur.

(d) 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 (III)(4)(a) through (III)(4)(c) 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. For example, if a NSR project involves both an existing emissions unit and a clean unit, the projected increase is determined by summing the values determined using the method specified in paragraph (III)(4)(a) of this rule for the existing unit and using the method specified in paragraph (III)(4)(c) of this rule for the clean unit.

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

~~(1)~~(a) Routine maintenance, routine repair, and routine replacement;

~~(2)~~(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;

~~(3)~~(c) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act;

~~(4)~~(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

~~(5)~~(e) Use of an alternative fuel or raw material by a stationary source that:

~~(a)~~(i) For nonattainment NSR purposes, the~~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; or

(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; or

~~(b)~~(iii) The stationary source is approved to use under any effective and applicable nonattainment NSR permit or PSD permit ~~issued under this ruling~~;

~~(6)~~(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: ~~December~~

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

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

~~(7)~~(g) Any change in ownership at a stationary source;

~~(8)~~(h) The addition, replacement or use of a PCP~~pollution control project~~ at an existing emissions ~~electric utility steam generating~~ unit meeting the requirements of this rule. A replacement control technology must provide more effective emissions control than that of the replaced control technology to qualify for this exclusion.~~, unless the director determines that such addition, replacement, or use renders the unit less~~

~~environmentally beneficial, or except:~~

~~(a) When the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that unit in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Clean Air Act, if any, and~~

~~(b) The director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation; or~~

~~(9)~~(i) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the temporary clean coal technology project complies with:

~~(a)~~(i) The Ohio state implementation plan, and

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

(j) 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.

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

(6) 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 (GGGG) of this rule shall apply.

(JJJ) "Major source baseline date" means:

(1) In the case of a particulate matter and sulfur dioxide, January 6, 1975, and

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

(3) The baseline date is established for each pollutant for which increments or other

equivalent measures have been established if:

(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 through 3745-31-20 of the Administrative Code; and

(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.

~~(WW)~~(KKK) "Major stationary source" means any stationary source or any group of stationary sources that are described in paragraph (KKK~~WW~~)(1) or (KKK~~WW~~)(2) of this rule except as restricted under paragraphs (KKK~~WW~~)(3) to (KKK~~WW~~)(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 100 tons per year or more of any regulated NSR pollutant ~~air pollutant subject to regulation under the Clean Air Act including lead compounds but excluding other air pollutants regulated due to being listed under section 112 of the Clean Air Act~~, 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, 100 tons per year or more of any regulated NSR pollutant ~~air pollutant subject to regulation under the Clean Air Act, excluding air pollutants regulated due to being listed under section 112 of the Clean Air Act~~:

(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 two hundred 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;

(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; and

(xxvi) Charcoal production plants, or

(b) Notwithstanding the stationary source size specified in paragraph (KKK~~WW~~)(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.~~air pollutant subject to regulation under the Clear Air Act, or~~

(3) A major stationary source that is major for volatile organic compounds 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 250 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;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 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 250 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 (KKK~~WW~~) 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.

~~(XX)~~(LLL) "Maximum achievable control technology (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.

~~(YY)~~(MMM) "Maximum uncontrolled emissions" (only used for determining registration status) 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.

(NNN) "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 rule 3745-31-11 through 3745-31-20 of the Administrative Code submits a complete application under the relevant regulations. The trigger date is:

(1) In the case of a particulate matter and sulfur dioxide, August 7, 1977; and

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

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

(a) The are 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 rule 3745-31-11 of the Administrative Code through 3745-31-20 of the Administrative Code; and

(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.

(4) 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 PM-10 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 PM-10 emissions.

~~(ZZ)~~(OOO) "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.

~~(AAA)~~(PPP) "Modify" or "modification" means:

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

(a) Any air contaminant source that:

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

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

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

(iv) Is otherwise defined as a major modification, or is defined as a modification under applicable regulations promulgated by the administrator of the United States environmental protection agency regarding new source performance standards or National Emissions Standards for Hazardous Air Pollutants, or 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 federal 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 EPA or the federal 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 EPA or federal Clean Air Act ~~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 and is consistent with division (K) of section 3704.036 of the Revised Code.

(b) Any significant air contaminant source that, for the specific air contaminant or air contaminants for which the air contaminant source is classified as a significant air contaminant source, results in an increase in the ambient air quality impact of the air contaminant source 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 $\mu g/m^3$, eight -hour average;

(ii) Nitrogen dioxide - fourteen $\mu g/m^3$, twenty-four hour average;

(iii) Total suspended particulate - ten $\mu g/m^3$, twenty-four hour average;

(iv) Sulfur dioxide - fifteen $\mu g/m^3$, twenty-four hour average;

(v) Lead - 0.1 $\mu g/m^3$, twenty-four hour average; or

~~(BBB)~~(QQQ) "Municipal solid waste landfill" or "MSW landfill" means, as defined

under paragraph (B)(14) of~~OAC~~ rule 3745-76-01 of the Administrative Code ~~(B)(14)~~, 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 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~~publically~~ or privately owned. A MSW landfill may be a new MSW landfill or existing MSW landfill.

~~(CCC)~~(RRR) "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.

~~(DDD)~~(SSS) "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 (SSS~~DDD~~)(3) of this rule, exceeds zero:

(1) Any increase in ~~actual~~ 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 (SSS) 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 (SSS~~DDD~~)(1) and (SSS~~DDD~~)(2) of this rule:

(a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences and the date that the increase from the particular change occurs;.

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

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

(d) The increase or decrease in emissions did not occur at a clean unit, except as provided in paragraphs (A)(8) and (B)(10) of rule 3745-31-30 of the Administrative Code;

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

~~(e)~~(f) A decrease in actual emissions is creditable~~counted~~ only to the extent that:

(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) It is ~~federally~~ enforceable as a practical matter at and after the time that actual construction on the particular change begins; ~~and~~

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

(iv) The decrease in actual emissions did not result from the installation of add-on control technology or application of pollution prevention practices that were relied on in designating an emissions unit as a clean unit under rule 3745-31-30 of the Administrative Code. That is, once an emissions unit has been designated as a clean unit, the owner or operator cannot later use the emissions reduction from the air pollution control measures that the clean unit designation is based on in calculating the net emissions increase for another emissions unit (i.e., must not use that reduction in a netting analysis' for another emissions unit). However, any new emissions reductions that were not relied upon in a PCP excluded pursuant to rule 3745-31-31 of the Administrative Code or for a clean unit designation are creditable to the extent they meet the requirements in paragraph (B)(6)(d) of rule 3745-31-31 of the Administrative Code for the PCP and

paragraphs (A)(8) and (B)(10) of rule 3745-31-30 of the Administrative Code for a clean unit;

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

~~(f)~~(g) 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; and.

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

~~(EEE)~~(TTT) "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.

(UUU) "New Source Review (NSR) project" means a physical change in, or change in the method of operation of, an existing major stationary source.

(VVV) "Nonattainment" or "nonattainment area," for a given pollutant, for purposes of determining applicability of Chapter 3745-31 of the Administrative Code, means that the area has been designated as nonattainment in 40 CFR 81.336.

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

(XXX) "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.

~~(FFF)~~(YYY) "Non-methane organic compound" or "NMOC" has the same meaning as

found in paragraph (B)(16) of~~OAC~~ rule 3745-76-01 of the Administrative Code~~(B)(16)~~.

~~(GGG)~~(ZZZ) "Non-road engine" means, as defined under 40 CFR 89.2, as follows:

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

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

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

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

(2) An engine is not a non-road engine if:

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

(b) The engine is regulated by a federal new source performance standard promulgated under Section 111 of the Clean Air Act~~, as amended~~; or

(c) The engine otherwise included in paragraph (ZZZ~~GGG~~)(1)(c) of this rule remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more)

each year. This paragraph does not apply to an engine after the engine is removed from the location.

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

(e) Engines used in underground mining or engines used in underground mining equipment and regulated by the mining safety and health administration (MSHA) in 30 CFR Parts 7, 36, 56, 57, 70, and 75; or

(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); or

(g) Engines used in marine vessels as defined in the general provisions of the United States Code, 1 U.S.C. 3, if those engines have a rated power at or above 37 KW (kilowatts)~~kw~~; or

(h) Engines with a per cylinder displacement of less than 50 cubic centimeters.

~~(HHHH)~~(AAAA) "Ohio state implementation plan" means the plan submitted to, and approved by, U.S. EPA by the state of Ohio in response to Section 110 of the Clean Air Act.

~~(III)~~(BBBB) "Organic compounds" 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.

(CCCC) "PAL allowable emissions" means allowable emissions as defined in paragraph (K) of this rule, except as this definition is modified according to the following paragraphs (CCCC)(1) and (CCCC)(2) of this rule.

(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 (UUUU) of this rule, except that the words or enforceable as a practical matter should be added after federally enforceable.

(DDDD) "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.

(EEEE) "PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.

(FFFF) "PAL major emissions unit" means:

(1) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

(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 50 or more tons of VOC per year.

(GGGG) "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.

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

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

(JJJJ) "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 paragraph (FFFF) of this rule.

(KKKK) "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.

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

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

~~(JJJ)~~(NNNN) "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.

(OOOO) "Plantwide applicability limitation (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) through (A)(13) of rule 3745-31-32 of the Administrative Code.

(PPPP) "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J and designated in accordance with 40 CFR Part 53 or an equivalent method designated in 40 CFR Part 53.

(QQQQ) "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers that is or has been emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR Part 51, Appendix M.

(RRRR) "Pollution control project (PCP)" means any activity, set of work practices or project (including pollution prevention as defined under paragraph (SSSS) of this rule) undertaken at an existing emissions unit that reduces emissions of air pollutants from such unit. Such qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. Projects listed in paragraph (RRRR)(1) through (RRRR)(6) of this rule are presumed to be environmentally beneficial pursuant to paragraph (B)(2)(a) of rule 3745-31-31 of the Administrative Code. Projects not listed in these paragraphs may qualify for a case-specific PCP exclusion pursuant to the requirements of paragraphs (B)(2) and (B)(5) of rule 3745-31-31 of the Administrative Code.

(1) Conventional or advanced flue gas desulfurization or sorbent injection for control of SO_2.

(2) Electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers for control of particulate matter or other pollutants.

(3) Flue gas recirculation, low-NO_x burners or combustors, selective non-catalytic reduction, selective catalytic reduction, low emission combustion (for IC engines), and oxidation/absorption catalyst for control of NO_x.

(4) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic

compounds or hazardous air pollutants. For the purpose of this section, hydrocarbon combustion flare means either a flare used to comply with an applicable NSPS or MACT standard (including uses of flares during startup, shutdown, or malfunction permitted under such a standard), or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than 230 milligrams hydrogen sulfide per dry standard cubic meter.

(5) Activities or projects undertaken to accommodate switching (or partially switching) to an inherently less polluting fuel, to be limited to the following fuel switches:

(a) Switching from a heavier grade of fuel oil to a lighter fuel oil, or any grade of oil to 0.05 percent sulfur diesel (i.e., from a higher sulfur content #2 fuel or from #6 fuel, to California 0.05 percent sulfur #2 diesel);

(b) Switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal;

(c) Switching from coal to wood, excluding construction or demolition waste, chemical or pesticide treated wood, and other forms of unclean wood;

(d) Switching from coal to #2 fuel oil (0.5 percent maximum sulfur content); and

(e) Switching from high sulfur coal to low sulfur coal (maximum 1.2 percent sulfur content).

(6) Activities or projects undertaken to accommodate switching from the use of one ozone depleting substance (ODS) to the use of a substance with a lower or zero ozone depletion potential (ODP), including changes to equipment needed to accommodate the activity or project, that meet the requirements of paragraphs (RRRR)(6)(a) and (RRRR)(6)(b) of this rule.

(a) The productive capacity of the equipment is not increased as a result of the activity or project.

(b) The projected usage of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS. To make this determination, follow the procedure in paragraphs (RRRR)(6)(b)(i) through (RRRR)(6)(b)(iv) of this rule.

(i) Determine the ODP of the substances by consulting 40 CFR part 82, subpart A, appendices A and B.

(ii) Calculate the replaced ODP-weighted amount by multiplying the

baseline actual usage (using the annualized average of any 24 consecutive months of usage within the past 10 years) by the ODP of the replaced ODS.

(iii) Calculate the projected ODP-weighted amount by multiplying the projected future annual usage of the new substance by its ODP.

(iv) If the value calculated in paragraph (RRRR)(6)(b)(ii) of this rule is more than the value calculated in paragraph (RRRR)(6)(b)(iii) of this rule, then the projected use of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS.

(SSSS) "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.

~~(KKK) "Pollution control project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:~~

~~(1) The installation of conventional or innovative pollution control technology, including but not limited to, advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;~~

~~(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to, natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;~~

~~(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the further continuing appropriations act of 1985 (sec. 5903(d) of Title 42 of the United States Code), or subsequent appropriations, up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the environmental protection agency; or~~

~~(4) A permanent clean coal technology demonstration project that constitutes a repowering project.~~

~~(LLL)~~(TTTT) "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.

~~(MMM)~~(UUUU) "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, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable or legally and practicably enforceable by the state. Secondary emissions do not count in determining the potential to emit of a stationary source.

(VVVV) "Predictive emissions monitoring system (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, O_2 or CO_2 concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(WWWW) "Prevention of Significant Deterioration (PSD) increment" means an allowable increment specified in paragraph (B) of rule 3745-31-11 of the Administrative Code.

(XXXX) "Prevention of Significant Deterioration (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.

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

[Comment: The definition of a process or production unit can be determined by the intermediate product of a process. For example, at a plant which manufactures fiberglass reinforced plastic boats, the owners wish to add more spray guns to an existing fabrication line to supplement existing spray guns in laminating a particular model of boat hulls. The new spray guns will have a potential to emit greater than 10 tons per year of a single HAP~~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).]

(ZZZZ) "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 5 years (12-month period) following the date the unit resumes regular operation after the NSR project, or in any one of the 10 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 unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(1) In determining the projected actual emissions under this rule before beginning actual construction, the owner or operator of the major stationary source:

(a) Shall 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

(b) Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and

(c) Shall exclude, in calculating any increase in emissions that results from the particular NSR project, that portion of the unit's emissions following the NSR project that an existing unit could have accommodated during the consecutive 24-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,

(d) In lieu of using the method set out in paragraphs (ZZZZ)(1)(a) through (ZZZZ)(1)(c) of this rule, may elect to use the emissions unit's potential to emit, in tons per year, as defined under paragraph (UUUU) of this rule.

~~(OOO)~~(AAAAA) "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 unit:

(1) 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 emissions inventory at the time of enactment;

(2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five percent and a removal efficiency for particulates of no less than ninety-eight percent;

(3) Is equipped with low-NO_x burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the "Clean Air Act."

~~(PPP)~~(BBBBB) "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 hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants, whenever:

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

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

~~(QQQ)~~(CCCCC) "Reduced Sulfur Compounds (RSC)" means, as defined under 40 CFR Part 60 J, the sum of the sulfur compounds hydrogen sulfide, carbonyl sulfide and carbon disulfide.

(DDDDD) "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 volatile organic compounds;

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

(c) Any pollutant that is a constituent or precursor of a general pollutant listed under paragraphs (DDDDD)(1)(a) or (b) of this rule, provided that a constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant.

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

(a) Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator (e.g., volatile organic compounds are precursors for ozone);

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

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

(d) Any pollutant that otherwise is subject to regulation under the Clean Air Act; except that any or all hazardous air pollutants 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 hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Clean Air Act.

(EEEEE) "Replacement unit" means an emissions unit for which all the criteria listed in paragraph (EEEEE)(1) through (EEEEE)(4) of this rule are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

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

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

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

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

~~(RRR)~~(FFFFF) "Repowering" means:

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

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

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

~~(SSS) "Representative actual annual emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of a unit, (or a different consecutive two-year period within ten years after that change, where the director determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting the future emissions the director shall:~~

~~(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the state or federal regulatory authorities, and compliance plans under Title IV of the "Clean Air Act"; and~~

~~(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and are attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.~~

~~(TTT)~~(GGGGG) "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.

(HHHHH) "Screen printing line" means a printing a 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.

~~(UUU)~~(IIIII) "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~~emissions unit~~, such as emissions from the tailpipe of a motor vehicle, from a train or from a vessel.

~~(VVV)~~(JJJJJ) "Significant air contaminant source" means any air contaminant source that emits:

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

(a) Particulate matter~~emissions~~; or

(b) Sulfur dioxide; or

(c) Nitrogen oxides; or

(d) Organic compounds; or

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

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

~~(WWW)~~(KKKKK)

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

Air Pollutant	Emissions Rate (Ton/Yr)
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Total suspended particulate matter	25
Particulate matter less than 10 microns	15
Ozone (Volatile organic compounds)	40
Lead	0.6
Fluorides (excluding hydrogen fluoride)	3
Sulfuric acid mist	7
Hydrogen sulfide	10
Total reduced sulfur	10
Reduced sulfur compounds	10
Non-methane organic compounds 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): 14 megagrams per year (15 tons per year).

(c) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 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 ~~emit an air pollutant subject to regulation under the Clean Air Act, excluding air pollutants regulated due to being listed under section 112 of the Clean Air Act, means~~ that the air pollutant and emissions rate table in paragraph (KKKKK~~WWW~~)(1) of this rule does not list, any emissions rate.

(3) Notwithstanding paragraph (KKKKK~~WWW~~)(1) of this rule, "significant" means any emissions 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).

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

~~(XXX)~~(MMMMM) "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.

~~(YYY)~~(NNNNN) "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 phrase 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.

~~(ZZZ)~~(OOOOO) "Soil-vapor extraction remediation activities" means soil remediation activities that use a process for physically separating (extracting) contaminates that are volatile organic compounds 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.

~~(AAAA)~~(PPPPP) "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 ~~most recent published version~~ "Standard Industrial Classification Manual~~, 1987~~."

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

~~(CCCC)~~(RRRRR) "Temporary source" means any new source of air contaminants or modification of an air contaminant source, that is subject to a written declaration by the operator to the director that the air contaminant source will cease operation, be relocated, or obtain a new permanent permit to install within two years of the draft of declaration.

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

~~(EEEE)~~(TTTTT) "Total Reduced Sulfur (TRS)" means, as defined under OAC rule 3745-73-01 (L) 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.

(UUUUU) "Total suspended particulate" shall have the same meaning as found in rule 3745-17-01 of the Administrative Code.

~~(FFFF)~~(VVVVV) "$\mu g/m^3$" or "µg/cm" means microgram per cubic meter.

~~(GGGG)~~(WWWWW) "Volatile organic compounds" or "VOC" shall have the same meaning as defined in rule 3745-21-01 of the Administrative Code.

(XXXXX) "Water-based ink/coating/adhesive" means an ink, coating or adhesive with a VOC content less than or equal to 10 percent by weight as applied.

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

~~(HHH)~~(ZZZZZ) Incorporation by reference. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated 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 incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference 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/Compliance/planning/data/air/afssystem.html.

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

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

(d) Chemical Rubber Company (CRC) Handbook of Chemistry and Physics. Information and copies may be obtained by writing to "CRC Press LLC, 2000 NW Corporate Blvd., Boca Raton, Florida, 33431", by calling 1-800-272-7737, or at A copy of this book is also available for inspection and copying at most public libraries and "The State Library of Ohio."

~~(a)~~(e) Clean Air Act as defined in this rule. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1990 is also available in electronic format at www.epa.gov/oar/caa/. A copy of the Act is also available for inspection and copying at most public libraries and "The State Library

of Ohio."

~~(b)~~(f) Code of Federal Regulations. 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 www.access.gpo.gov/nara/cfr/. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(g) Compilation of Air Pollutant Emission Factors, AP-42. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at The Compilation of Air Pollutant Emission Factors, AP-42, are also available for inspection and copying at most public libraries and "The State Library of Ohio."

~~(c)~~(h) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic format at http://www4.law.cornell.edu/uscode/42/ch103.html. A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."

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

~~(d)~~(j) Federal Register. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box371954, Pittsburgh, PA 15250-7954." Online access to the Federal Register is available at http://www.gpoaccess.gov/nara/index.html. A copy of the Federal Register is also available for inspection and copying at most public libraries and "The State Library of Ohio."

(k) 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/.

(l) 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.

(m) 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 copying at most public libraries and "The State Library of Ohio."

~~(e) Further Continuing Appropriations Act of 1985. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." A summary of the Act is also available in electronic format at http://thomas.loc.gov/cgi-bin/bdquery. A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio.~~

~~(f)~~(n) Resource Conservation and Recovery Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box371954, 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 copying at most public libraries and "The State Library of Ohio."

~~(g)~~(o) Standard Industrial Classification Manual~~, 1987~~. 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 copying at most public libraries and "The State Library of Ohio."

~~(h)~~(p) United States Code. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at http://www4.law.cornell.edu/uscode/. The U.S.C compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

(a) 1 U.S.C. 3; "General Provisions, "Vessel" as including all means of water transportation;" July 30, 1947, ch. 388, 61 Stat. 633.

(b) 30 CFR Part 7; "Testing by Applicant or Third Party;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

(c) 30 CFR Part 36; "Approval Requirements for Permissible Mobile Diesel-Powered Transportation Equipment;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

(d) 30 CFR Part 56; "Safety and Health Standards--Surface Metal and Nonmetal Mines;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

(e) 30 CFR Part 57; "Safety and Health Standards--Underground Metal and Nonmetal Mines;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

(f) 30 CFR Part 70; "Mandatory Health Standards--Underground Coal Mines;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

(g) 30 CFR Part 75; "Mandatory Safety Standards--Underground Coal Mines;" as published in the July 1, 2003~~2002~~ 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 61276, Oct. 27, 2003; 68 FR 63027, Nov. 7, 2003.

~~(h)~~(i) 40 CFR 51.166; "Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Prevention of significant deterioration of air quality;" 43 FR 26382, June 19, 1978.

~~(i)~~(j) 40 CFR 52.21; "Approval and Promulgation of Implementation Plans, Prevention of significant deterioration of air quality;" 43 FR 26403, June 19, 1978.

(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 Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 - 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.

~~(j)~~(m) 40 CFR 60.671; "Definitions;" 51 FR 31337, Aug. 1, 1985, as amended at 62 FR 31359, June 9, 1997.

(n) 40 CFR 81.336; "Designation of Area for Air Quality Planning Purposes-Ohio;" as published in the July 1, 2003 Code of Federal Regulations.

~~(k)~~(o) 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.

~~(l)~~(p) 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.

~~(m)~~(q) 40 CFR 92.907; "Control of Air Pollution From Locomotives and Locomotive Engines, Non-locomotive-specific engine exemption;" 63 FR 18998, Apr. 16, 1998.

(r) 40 CFR Part 50, 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.

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

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

~~(n)~~(u) 40 CFR Part 51, Subpart I; "Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Subpart I -- Review of New Sources and Modifications;" 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; 58 FR 38822, July 20, 1993; 60 FR 40468, Aug. 9, 1995; 61 FR 41840, Aug. 12, 1996; 67 FR 80244, Dec. 31, 2002.

(v) 40 CFR Part 53; "Ambient Air Monitoring Reference and Equivalent Methods;" as published in the July 1, 2003 Code of Federal Regulations.

~~(o)~~(w) 40 CFR Part 60; "Standards of Performance for New Stationary Sources;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

(x) 40 CFR Part 60, Appendix A; "Test Methods - Standards of Performance for New Stationary Sources;" 36 FR 24877, Dec. 23, 1971.

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

~~(p)~~(z) 40 CFR Part 60 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.

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

Oct. 17, 2000.

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

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

~~(s)~~(dd) 40 CFR Part 61; "National Emission Standards for Hazardous Air Pollutants;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

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

~~(u)~~(ff) 40 CFR Part 63; "National Emission Standards for Hazardous Air Pollutants for Source Categories;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

(gg) 40 CFR Part 82, Subpart A, Appendices A and B; "Class I Controlled Substances and Class II Controlled Substances;" 57 FR 33787, July 30, 1992; as amended 60 FR 24986, May 10, 1995; 68 FR 42892, July 18, 2003; 68 FR 2859, Jan. 21, 2003.

~~(v)~~(hh) 40 CFR Part 89; "Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

~~(w)~~(ii) 40 CFR Part 92; "Control of Air Pollution From Locomotives and Locomotive Engines;" as published in the July 1, 2003~~2002~~ Code of Federal Regulations.

(jj) 42 U.S.C. 7401 to 7671q; "The Public Health and Welfare-Air Pollution

Prevention and Control;" Pub. L. 101-549, title I-IX, Sec. 101-901, Nov. 15, 1990, 104 Stat. 2399; as amended Pub. L. 103-437, Sec. 15(s), Nov. 2, 1994, 108 Stat. 4594; Pub. L. 105-362, title XV, Sec. 1501(b), Nov. 10, 1998, 112 Stat. 3294; Pub. L. 104-264, title IV, Sec. 406(b), Oct. 9, 1996, 110 Stat. 3257; Pub. L. 105-277, div. A, Sec. 101(a) (title VII, Sec. 764), Oct. 21, 1998, 112 Stat. 2681, 2681-36.

~~(x)~~(kk) 42 U.S.C. 7412(h); "Hazardous air pollutants, Work practice standards and other requirements;" July 14, 1955, ch. 360, title I, Sec. 112, as added; Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1685 amended Pub. L. 95-95, title I, Sec. 109(d)(2), 110, title IV, Sec. 401(c), Aug. 7, 1977, 91 Stat. 701, 703, 791; Pub. L. 95-623, Sec. 13(b), Nov. 9, 1978, 92 Stat. 3458; Pub. L. 101-549, title III, Sec. 301, Nov. 15, 1990, 104 Stat. 2531; Pub. L. 102-187, Dec. 4, 1991, 105 Stat. 1285; Pub. L. 105-362, title IV, Sec. 402(b), Nov. 10, 1998, 112 Stat. 3283; Pub. L. 106-40, Sec. 2, 3(a), Aug. 5, 1999, 113 Stat. 207, 208.

(ll) Chemical Rubber Company (CRC) Handbook of Chemistry and Physics, 84th Edition, 2003-2004.

~~(y)~~(mm) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 121(e); "Cleanup standards;" Pub. L. 96-510, title I, Sec. 121, as added Pub. L. 99-499, title I, Sec. 121(a), Oct. 17, 1986, 100 Stat. 1672.

(nn) Federal Power Act; contained in 12U.S.C. 791 to 828c; "Federal Regulation and Development of Power;" June 10, 1920, ch. 285, pt. I-III, Sec. 1-32, 201-214, 301-320, 41 Stat. 1063-1077; June 10, 1920, ch. 285, pt. III, Sec. 321, formerly Sec. 320; Mar. 3, 1921, ch. 129, 41 Stat. 1353; June 23, 1930, ch. 572, Sec. 1, 46 Stat. 797-798; as added, amended and renumbered Aug. 26, 1935, ch. 687, title II, Sec. 201-213, 49 Stat. 838, 841-863; June 25, 1936, ch. 804, 49 Stat. 1921; 1939 Reorg. Plan No. II, Sec. 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 1, 1946, ch. 529, Sec. 1, 6, 60 Stat. 366, 744; July 26, 1947, ch. 343, title II, Sec. 205(a), 61 Stat. 501; Dec. 22, 1944, ch. 665, Sec. 5, 58 Stat. 890; May 28, 1948, ch. 351, 62 Stat. 275; Oct. 28, 1949, ch. 782, title XI, Sec. 1106(a), 63 Stat. 972; June 25, 1948, ch. 646, Sec. 1, 32(a)-(b), 62 Stat. 909, 991; Oct. 28, 1949, ch. 782, title XI, Sec. 1106(a), 63 Stat. 972; May 24, 1949, ch. 139, Sec. 127, 63 Stat. 107; June 30, 1949, ch. 288, title I, Sec. 103(a), 63 Stat. 380; Oct. 12, 1949, ch. 680, title I, Sec. 101, 63 Stat. 767;1950 Reorg. Plan No. 9, Sec. 3, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265; renumbered; Aug. 31, 1951, ch. 375, title I, Sec. 101, 65 Stat. 249;Oct. 31, 1951, ch. 654, Sec. 2(14), 65 Stat. 707; Aug. 7, 1953, ch. 343, 67 Stat. 461; Aug. 15, 1953, ch. 503, Sec. 1,3,4, 67 Stat. 587; June 4, 1956, ch. 351, Sec. 2, 70 Stat.

226; Pub. L. 85-791, Sec. 16, Aug. 28, 1958, 72 Stat. 947; Pub. L. 86-124, July 31, 1959, 73 Stat. 27; Pub. L. 86-619, Sec. 1, July 12, 1960, 74 Stat. 407; Pub. L. 87-647, Sept. 7, 1962, 76 Stat. 447; Pub. L. 90-451, Sec. 1-3, Aug. 3, 1968, 82 Stat. 616-617; Pub. L. 91-452, title II, Sec. 221, Oct. 15, 1970, 84 Stat. 929; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 95-91, title III, Sec. 301(b), 302(a)(1), Aug. 4, 1977, 91 Stat. 578; Pub. L. 95-456, Sec. 1, Oct. 13, 1978, 92 Stat. 1230; Pub. L. 95-617, title II, Sec. 201-202, 203, 204(a)-(b), 205, 206(a), 207(a), 208, 209, 210, 211(a), 212, 213, 602, Nov. 9, 1978, 92 Stat. 3134-3136, 3138, 3140-3142, 3144, 3147-3148, 3164; Pub. L. 96-294, title VI, Sec. 643(a)(1), (a)(2), (a)(3), (b), June 30, 1980, 94 Stat. 770; Pub. L. 99-495, Sec. 2, 3(b), 4(a), 4(b)(2), 6, 7, 8(a), 12, 14-16, Oct. 16, 1986, 100 Stat. 1243-1245, 1248-1249 1252, 1255, 1257, 259; Pub. L. 99-546, title IV, Sec. 401, Oct. 27, 1986, 100 Stat. 3056; Pub. L. 100-473, Sec. 2, Oct. 6, 1988, 102 Stat. 2299; Pub. L. 101-575, Sec. 2-3, Nov. 15, 1990, 104 Stat. 2834; Pub. L. 102-46, May 17, 1991, 105 Stat. 249; Pub. L. 102-486, title VII, XVII, XXIV, Sec. 714, 721-725(a)-(b), 726, 1701(a), 1701(d), 2402, 2403, Oct. 24, 1992, 106 Stat. 2911, 2915-2916, 2919-2921, 3008, 3009, 3097; Pub. L. 104-106, div. D, title XLIII, Sec. 4321(i)(6), Feb. 10, 1996, 110 Stat. 676; Pub. L. 104-316, title I, Sec. 108(a), Oct. 19, 1996, 110 Stat. 3832; Pub. L. 105-192, Sec. 2, July 14, 1998, 112 Stat. 625; Pub. L. 106-102, title VII, Sec. 737, Nov. 12, 1999, 113 Stat. 1479; Pub. L. 106-377, Sec. 1(a)(2) (title III, Sec. 311), Oct. 27, 2000, 114 Stat. 1441, 1441A-80; Pub. L. 106-469, title V, Sec. 501, Nov. 9, 2000, 114 Stat. 2037.

~~(z)~~(oo) Method 9; "Visual Determination of the Opacity of Emissions From Stationary Sources;" 40 CFR Part 60, Appendix A-4; 36 FR 24877, Dec. 23, 1971.

(pp) New Source Performance Standards; contained in 42 U.S.C. 7411; "Standards of performance for new stationary sources;" July 14, 1955, ch. 360, title I, Sec. 111, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1683; amended Pub. L. 92-157, title III, Sec. 302(f), Nov. 18, 1971, 85 Stat. 464; Pub. L. 95-95, title I, Sec. 109(a)-(d)(1), (e), (f), title IV, Sec. 401(b), Aug. 7, 1977, 91 Stat. 697-703, 791; Pub. L. 95-190, Sec. 14(a)(7)-(9), Nov. 16, 1977, 91 Stat. 1399; Pub. L. 95-623, Sec. 13(a), Nov. 9, 1978, 92 Stat. 3457; Pub. L. 101-549, title I, Sec. 108(e)-(g), title III, Sec. 302(a), (b), title IV, Sec. 403(a), Nov. 15, 1990, 104 Stat. 2467, 2574, 2631.

(qq) Part C of Title I of the Clean Air Act; contained in 42 U.S.C. 7470 to 7492; "Prevention of Significant Deterioration of Air Quality;" July 14, 1955, ch. 360, title I, Sec. 160-169BA, as added Pub. L. 95-95, title I, Sec. 127(a), 128, Aug. 7, 1977, 91 Stat. 731-742; amended Pub. L. 95-190, Sec. 14(a), (40-42), (52), (54) Nov. 16, 1977, 91 Stat.

1401-1402; Pub. L. 101-549, title I-IV, VIII, Sec. 108(m-n), 110(2-3), 305(b), 403(d), 816, Nov. 15, 1990, 104 Stat. 2469, 2470, 2583, 2631, 2684, 2695.

(rr) Part D of Title I of the Clean Air Act; contained in 42 U.S.C. 7501 to 7515; "Plan Requirements for Nonattainment Areas;" July 14, 1955, ch. 360, title I, Sec. 171-193, as added Pub. L. 95-95, title I, Sec. 129(b), Aug. 7, 1977, 91 Stat 747-749; as amended Pub. L. 95-190, Sec. 14(a)(55), (56), (57), (58), (59) Nov. 16, 1977, 91 Stat. 1402-1403; Stat. 745-746; amended Pub. L. 101-549, title I, VIII, Sec. (101)(f), 102(a)(2), (b), (c), (d), 100(4), 103, 104, 105(a). 106, 108(l), 818, Nov. 15, 1990, 104 Stat. 2409-2470, 2697; Pub. L. 104-59, title III, Sec. 305(b), Nov. 28, 1995, 109 Stat. 580; Pub. L. 104-70, Sec. 1, Dec. 23, 1995, 109 Stat. 773; Pub. L. 104-260, Sec. 1, Oct. 9, 1996, 110 Stat. 3175; Pub. L. 106-377, Sec. 1(a)(1) (title III), Oct. 27, 2000, 114 Stat. 1441, 1441A-44.

~~(aa)~~(ss) RCRA subtitle D; "Resource Conservation and Recovery Act, State or Regional Solid Waste Plans;" Pub. L. 89-272, title II, Sec. 4001-4010 as added Pub. L. 94-580, Sec. 2, Oct. 21, 1976, 90 Stat. 2813-2819; amended Pub. L. 95-609, Sec. 7(1), Nov. 8, 1978, 92 Stat. 3082; Pub. L. 96-463, Sec 5(b), 6, Oct. 15, 1980, 94 Stat. 2056-2057; Pub. L. 96-482, Sec. 19(a)-(b), Sec. 20, 31 (c)-(e), 32(a)-(f), Oct. 21, 1980, 94 Stat. 2345, 2352-2355; Pub. L. 98-616, Sec. 2(d)-(g), (k), title III, Sec. 301(a), (b), 302 (a)(1), (b)-(c) title IV, Sec. 403(c), title V, Sec. 501(f)(1), 502(c)-(e),(h). Nov. 8, 1984, 98 Stat. 3222, 3223, 3267, 3268, 3272, 3276, 3277; Pub. L. 104-119, Sec. 3(a), 4(8), Mar. 26, 1996, 110 Stat. 831, 833.

(tt) Recommended Policy on Control of Volatile Organic Compounds; 42 FR 35314, July 8, 1977.

(uu) 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, last revised July 1998.

(vv) Section 2(A) and (B) of the Energy Supply and Environmental Coordination Act of 1974; contained in 15 U.S.C. 792; "Coal conversion and allocation;" Pub. L. 93-319, Sec. 2, June 22, 1974, 88 Stat. 246; Pub. L. 94-163, title I, Sec. 101, Dec. 22, 1975, 89 Stat. 875; Pub. L. 95-70, Sec. 7, July 21, 1977, 91 Stat. 277.

(ww) Section 110 of the Clean Air Act; contained in 42 U.S.C. 7410; "State implementation plans for national primary and secondary ambient air quality standards;" July 14, 1955, ch. 360, title I, Sec. 110, as added

Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1680; amended Pub. L. 93-319, Sec. 4, June 22, 1974, 88 Stat. 256; Pub. L. 95-95, title I, Sec. 107, 108, Aug. 7, 1977, 91 Stat. 691, 693; Pub. L. 95-190, Sec. 14(a)(1)-(6), Nov. 16, 1977, 91 Stat. 1399; Pub. L. 97-23, Sec. 3, July 17, 1981, 95 Stat. 142; Pub. L. 101-549, title I, Sec. 101(b)-(d), 102(h), 107(c), 108(d), title IV, Sec. 412, Nov. 15, 1990, 104 Stat. 2404-2408, 2422, 2464, 2466, 2634.

(xx) Section 107(d) of the Clean Air Act; contained in 42 U.S.C. 7407; "Air Quality Control Regions-Designations;" July 14, 1955, ch. 360, title I, Sec. 107, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1678; amended Pub. L. 95-95, title I, Sec. 103, Aug. 7, 1977, 91 Stat. 687; Pub. L. 101-549, title I, Sec. 101(a), Nov. 15, 1990, 104 Stat. 2399.

(yy) Section 108 of the Clean Air Act; contained in 42 U.S.C. 7408; "Air quality criteria and control techniques;" July 14, 1955, ch. 360, title I, Sec. 108, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1678; amended Pub. L. 95-95, title I, Sec. 104, 105, title IV, Sec. 401(a), Aug. 7, 1977, 91 Stat. 689, 790; Pub. L. 101-549, title I, Sec. 108(a)-(c), (o), 111, Nov. 15, 1990, 104 Stat. 2465, 2466, 2469, 2470; Pub. L. 105-362, title XV, Sec. 1501(b), Nov. 10, 1998, 112 Stat. 3294.

(zz) Section 109 of the Clean Air Act; contained in 42 U.S.C. 7409; "National primary and secondary ambient air quality standards;" July 14, 1955, ch. 360, title I, Sec. 109, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1679; amended Pub. L. 95-95, title I, Sec. 106, Aug. 7, 1977, 91 Stat. 691.

(aaa) Section 111 of the Clean Air Act; contained in 42 U.S.C. 7411; "Standards of performance for new stationary sources;" July 14, 1955, ch. 360, title I, Sec. 111, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1683amended Pub. L. 92-157, title III, Sec. 302(f), Nov. 18, 1971, 85 Stat. 464; Pub. L. 95-95, title I, Sec. 109(a)-(d)(1), (e), (f), title IV, Sec. 401(b), Aug. 7, 1977, 91 Stat. 697-703, 791; Pub. L. 95-190, Sec. 14(a)(7)-(9), Nov. 16, 1977, 91 Stat. 1399Pub. L. 95-623, Sec. 13(a), Nov. 9, 1978, 92 Stat. 3457; Pub. L. 101-549, title I, Sec. 108(e)-(g), title III, Sec. 302(a), (b), title IV, Sec. 403(a), Nov. 15, 1990, 104 Stat. 2467, 2574, 2631.

(bbb) Section 112 of the Clean Air Act; contained in 42 USC 7412; "Hazardous Air Pollutants;" July 14, 1955, ch. 360, title I, Sec. 112, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1685; amended Pub. L. 95-95, title I, Sec. 109(d)(2), 110, title IV, Sec. 401(c), Aug. 7, 1977, 91 Stat. 701, 703, 791; Pub. L. 95-623, Sec. 13(b), Nov. 9, 1978, 92 Stat. 3458; Pub. L. 101-549, title III, Sec. 301, Nov. 15, 1990, 104

Stat. 2531; Pub. L. 102-187, Dec. 4, 1991, 105 Stat. 1285; Pub. L. 105-362, title IV, Sec. 402(b), Nov. 10, 1998, 112 Stat. 3283; Pub. L. 106-40, Sec. 2, 3(a), Aug. 5, 1999, 113 Stat. 207, 208.

(ccc) Section 112(b) of the Clean Air Act; contained in 42 U.S.C. 7412; "Hazardous air pollutants- List of pollutants;" July 14, 1955, ch. 360, title I, Sec. 112, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1685; amended Pub. L. 95-95, title I, Sec. 109(d)(2), 110, title IV, Sec. 401(c), Aug. 7, 1977, 91 Stat. 701, 703, 791; Pub. L. 95-623, Sec. 13(b), Nov. 9, 1978, 92 Stat. 3458; Pub. L. 101-549, title III, Sec. 301, Nov. 15, 1990, 104 Stat. 2531; Pub. L. 102-187, Dec. 4, 1991, 105 Stat. 1285; Pub. L. 105-362, title IV, Sec. 402(b), Nov. 10, 1998, 112 Stat. 3283; Pub. L. 106-40, Sec. 2, 3(a), Aug. 5, 1999, 113 Stat. 207, 208.

(ddd) Section 112(c) of the Clean Air Act; contained in 42 U.S.C. 7412; "Hazardous air pollutants- List of source categories;" July 14, 1955, ch. 360, title I, Sec. 112, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1685; amended Pub. L. 95-95, title I, Sec. 109(d)(2), 110, title IV, Sec. 401(c), Aug. 7, 1977, 91 Stat. 701, 703, 791; Pub. L. 95-623, Sec. 13(b), Nov. 9, 1978, 92 Stat. 3458; Pub. L. 101-549, title III, Sec. 301, Nov. 15, 1990, 104 Stat. 2531; Pub. L. 102-187, Dec. 4, 1991, 105 Stat. 1285; Pub. L. 105-362, title IV, Sec. 402(b), Nov. 10, 1998, 112 Stat. 3283; Pub. L. 106-40, Sec. 2, 3(a), Aug. 5, 1999, 113 Stat. 207, 208.

(eee) Section 113 of the Clean Air Act; contained in 42 U.S.C. 7413; "Federal enforcement;" July 14, 1955, ch. 360, title I, Sec. 113, as added Pub. L. 91-604, Sec. 4(a), Dec. 31, 1970, 84 Stat. 1686; amended Pub. L. 92-157, title III, Sec. 302(b), (c), Nov. 18, 1971, 85 Stat. 464l; Pub. L. 93-319, Sec. 6(a)(1)-(3), June 22, 1974, 88 Stat. 259; Pub. L. 95-95, title I, Sec. 111, 112(a), Aug. 7, 1977, 91 Stat. 704, 705; Pub. L. 95-190, Sec. 14(a)(10)-(21), (b)(1), Nov. 16, 1977, 91 Stat. 1400, 1404; Pub. L. 97-23, Sec. 2, July 17, 1981, 95 Stat. 139; Pub. L. 101-549, title VII, Sec. 701, Nov. 15, 1990, 104 Stat. 2672.

(fff) Section 121(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); contained in 42 USC 9621; "Cleanup Standards - Permits and Enforcement;" Pub. L. 96-510, title I, Sec. 121, as added Pub. L. 99-499, title I, Sec. 121(a), Oct. 17, 1986, 100 Stat. 1672.

(ggg) Section 125 of the Clean Air Act; contained in 42 U.S.C. 7425; "Measures to prevent economic disruption or unemployment;" July 14, 1955, ch. 360, title I, Sec. 125, as added Pub. L. 95-95, title I, Sec. 122, Aug. 7, 1977, 91 Stat. 722.

(hhh) Section 173 of the Clean Air Act; contained in 42 U.S.C. 7503; "Permit requirements;" July 14, 1955, ch. 360, title I, Sec. 173, as added Pub. L. 95-95, title I, Sec. 129(b), Aug. 7, 1977, 91 Stat. 748amended Pub. L. 95-190, Sec. 14(a)(57), (58), Nov. 16, 1977, 91 Stat. 1403Pub. L. 101-549, title I, Sec. 102(c), Nov. 15, 1990, 104 Stat. 2415.

(iii) Section 182(c) of the Clean Air Act; contained in 42 U.S.C. 7511a; "Plan submissions and requirements-Serious Areas;" July 14, 1955, ch. 360, title I, Sec. 182, as added Pub. L. 101-549, title I, Sec. 103, Nov. 15, 1990, 104 Stat. 2426; amended Pub. L. 104-70, Sec. 1, Dec. 23, 1995, 109 Stat. 773.

(jjj) Section 182(f) of the Clean Air Act; contained in 42 U.S.C. 7511a; "Plan submissions and requirements-NO_x requirements;" July 14, 1955, ch. 360, title I, Sec. 182, as added Pub. L. 101-549, title I, Sec. 103, Nov. 15, 1990, 104 Stat. 2426; amended Pub. L. 104-70, Sec. 1, Dec. 23, 1995, 109 Stat. 773.

(kkk) Section 189 of the Clean Air Act; contained in 42 U.S.C. 7513a; "Plan Provisions and Schedules for Plan Submissions;" July 14, 1955, ch. 360, title I, Sec. 189, as added Pub. L. 101-549, title I, Sec. 105(a), Nov. 15, 1990, 104 Stat. 2460.

(lll) Section 202 of the Clean Air Act; contained in 42 U.S.C. 7521; "Emission standards for new motor vehicles or new motor vehicle engines;" July 14, 1955, ch. 360, title II, Sec. 202, as added Pub. L. 89-272, title I, Sec. 101(8), Oct. 20, 1965, 79 Stat. 992; amended Pub. L. 90-148, Sec. 2, Nov. 21, 1967, 81 Stat. 499; Pub. L. 91-604, Sec. 6(a), Dec. 31, 1970, 84 Stat. 1690; Pub. L. 93-319, Sec. 5, June 22, 1974, 88 Stat. 258; Pub. L. 95-95, title II, Sec. 201, 202(b), 213(b), 214(a), 215-217, 224(a), (b), (g), title IV, Sec. 401(d), Aug. 7, 1977, 91 Stat. 751-753, 758-761, 765, 767, 769, 791; Pub. L. 95-190, Sec. 14(a)(60)-(65), (b)(5), Nov. 16, 1977, 91 Stat. 1403, 1405; Pub. L. 101-549, title II, Sec. 201-207, 227(b), 230(1)-(5), Nov. 15, 1990, 104 Stat. 2472-2481, 2507, 2529.

(mmm) Section 216 of the Clean Air Act; contained in 42 U.S.C. 7550; "Motor Vehicle Emission and Fuel Standards - Definitions;" July 14, 1955, ch. 360, title II, Sec. 216, formerly Sec. 208, as added Pub. L. 89-272, title I, Sec. 101(8), Oct. 20, 1965, 79 Stat. 994; renumbered Sec. 212, and amended Pub. L. 90-148, Sec. 2, Nov. 21, 1967, 81 Stat. 503; renumbered Sec. 213, and amended Pub. L. 91-604, Sec. 8(a), 10(d), 11(a)(2)(A), Dec. 31, 1970, 84 Stat. 1694, 1703, 1705; renumbered Sec. 214, Pub. L. 93-319, Sec. 10, June 22, 1974, 88 Stat. 261; renumbered Sec. 216, Pub. L. 95-95, title II, Sec. 224(d), Aug. 7,

1977, 91 Stat. 767; Pub. L. 101-549, title II, Sec. 223, Nov. 15, 1990, 104 Stat. 2503.

(nnn) Section 402(12) of Title IV of the Clean Air Act; contained in 42 U.S.C. 7651a; "Definitions;" July 14, 1955, ch. 360, title IV, Sec. 402, as added Pub. L. 101-549, title IV, Sec. 401, Nov. 15, 1990, 104 Stat. 2585.

(ooo) Section 409 of the Clean Air Act; contained in 42 U.S.C. 7651h; "Repowered sources;" July 14, 1955, ch. 360, title IV, Sec. 409, as added Pub. L. 101-549, title IV, Sec. 401, Nov. 15, 1990, 104 Stat. 2619.

~~(bb)~~(ppp) Sec. 5903(d) of Title 42 of the United States Code; "The Public Health and Welfare, Duties and functions of Secretary;" Pub. L. 93-577, Sec. 4, Dec. 31, 1974, 88 Stat. 1880; Pub. L. 95-91, title III, Sec. 301(a), title VII, Sec. 703, 707, Aug. 4, 1977, 91 Stat. 577, 606, 607.

(qqq) Standard Industrial Classification Manual. United States. Office of Management and Budget. Last amended 1988.

(rrr) Title II of the Clean Air Act; contained in 42 U.S.C. ; "Emission Standards for Moving Sources;" July 14, 1955, ch. 360, title II, Sec. 202-250, as added Pub. L. 89-272, title I, Sec. 101(8), Oct. 20, 1965, 79 Stat. 992-993; renumbered Sec, 212-216 and amended; Pub. L. 90-148, Sec. 2, Nov. 21, 1967, 81 Stat. 499-503; Pub. L. 91-604, Sec. 6(a), 7(a-c), 8(a), (9)(a), (10)(a-d), (11)(2)(a), (11)(2)(a)(A), 15(c)(2), Dec. 31, 1970, 84 Stat. 1690, 1693-1705, 1713; Pub. L. 92-157, title III, Sec. 302(d), (e), Nov. 18, 1971, 85 Stat. 464; Pub. L. 93-319, Sec. 5-10, June 22, 1974, 88 Stat. 258-261; Pub. L. 95-95, title II, Sec. 201, 202(b), Sec. 206-225, title IV, Sec. 401(d-e), Aug. 7, 1977, 91 Stat. 751-769, 791; Pub. L. 95-190, Sec. 14(a)(60)-(74), (b)(5), Nov. 16, 1977, 91 Stat. 1403-1405; Pub. L. 101-549, title II, Sec. 201-230, Nov. 15, 1990, 104 Stat. 2472-2529; Pub. L. 104-264, title IV, Sec. 406(b), Oct. 9, 1996, 110 Stat. 3257.

(sss) Title IV of the Clean Air Act; contained in 42 U.S.C. 7651 to 7651o; "Acid Deposition Control;" July 14, 1955, ch. 360, title IV, Sec. 401-416, as added Pub. L. 101-549, title IV, Sec. 401, Nov. 15, 1990, 104 Stat. 2584.

(ttt) Title VI of the Clean Air Act; contained in 42 U.S.C. 7671-7671q; "Stratospheric Ozone Protection;" July 14, 1955, ch. 360, title VI, Sec. 601-618, as added Pub. L. 101-549, title VI, Sec. 602(a), Nov. 15, 1990, 104 Stat. 2649-2670; as amended Pub. L. 105-277, div. A, Sec. 101(a) (title VII, Sec. 764), Oct. 21, 1998, 112 Stat. 2681, 2681-36.

~~(cc) Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985; Pub. L. 99-190 (H.J. Res. 465); 99 STAT. 1185, 1224, 1233-1234, 1241 (December 19, 1985).~~

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Certification

10/18/2004

Date

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