

3745-103-09

Acid rain compliance plan and compliance options.

- (A) The compliance plan may include a NO_x averaging plan under rule 3745-103-63 of the Administrative Code; and both of the following:
- (1) A plan for a compliance option that includes units at more than one affected source shall be complete only if both of the following apply:
 - (a) Such plan is signed and certified by the designated representative for each source with an affected unit governed by such plan; ~~and~~.
 - (b) A complete permit application is submitted covering each unit governed by such plan.
 - (2) The director's approval of a plan under paragraph (A)(1) of this rule that includes units in more than one state shall be final only after every permitting authority with jurisdiction over any such unit has approved the plan with the same modifications or conditions, if any.
- (B) Conditional approval. In the compliance plan, the designated representative of an affected unit may propose, in accordance with this rule ~~3745-103-09 of the Administrative Code~~, any acid rain compliance option for conditional approval; provided that an acid rain compliance option under rules 3745-103-55 to 3745-103-66 of the Administrative Code may be conditionally proposed only to the extent provided in rules 3745-103-55 to 3745-103-66 of the Administrative Code.
- (1) To activate a conditionally approved acid rain compliance option, the designated representative shall notify the director in writing that the conditionally approved compliance option will actually be pursued beginning January first of a specified year. Such notification shall be subject to the limitations on activation under rules 3745-103-55 to 3745-103-66 of the Administrative Code. If the conditionally approved compliance option includes a plan described in paragraph (A)(1) of this rule, the designated representative of each source governed by the plan shall sign and certify the notification.
 - (2) The notification under paragraph (B)(1) of this rule shall specify the first calendar year and the last calendar year for which the conditionally approved acid rain compliance option is to be activated. A conditionally approved compliance option shall be activated, if at all, before the date of any enforceable milestone applicable to the compliance option. The date of activation of the compliance option shall not be a defense against failure to meet the requirements applicable to that compliance option during each calendar year for which the compliance option is activated.

- (3) Upon submission of a notification meeting the requirements of paragraphs (B)(1) and (B)(2) of this rule, the conditionally approved acid rain compliance option becomes binding on the owners and operators and the designated representative of any unit governed by the conditionally approved compliance option.
- (4) A notification meeting the requirements of paragraphs (B)(1) and (B)(2) of this rule will revise the unit's permit in accordance with rule 3745-103-18 of the Administrative Code.

(C) Termination of compliance option.

- (1) The designated representative for a unit may terminate an acid rain compliance option by notifying the director in writing that an approved compliance option will be terminated beginning January first of a specified year. Such notification shall be subject to the limitations on termination under rules 3745-103-55 to 3745-103-66 of the Administrative Code. If the compliance option includes a plan described in paragraph (A)(1) of this rule, the designated representative for each source governed by the plan shall sign and certify the notification.
- (2) The notification under paragraph (C)(1) of this rule shall specify the calendar year for which the termination will take effect.
- (3) Upon submission of a notification meeting the requirements of paragraphs (C)(1) and (C)(2) of this rule, the termination becomes binding on the owners and operators and the designated representative of any unit governed by the acid rain compliance option to be terminated.
- (4) A notification meeting the requirements of paragraphs (C)(1) and (C)(2) of this rule will revise the unit's permit in accordance with rule 3745-103-18 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 07/31/2017

Certification

Date

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