

3745-103-24

**Opt-in relationship to the acid rain program requirements.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of rule 3745-103-01 of the Administrative Code titled "Referenced materials."]

**(A) General.**

- (1) For purposes of applying 40 CFR Parts 72, 73, 75, 77 and 78, each opt-in source shall be treated as an affected unit.
- (2) 40 CFR Part 72 Subparts A, B, G, and H, and rules 3745-103-01, 3745-103-02, 3745-103-03, 3745-103-04, and 3745-103-05 of the Administrative Code, shall apply to this rule.

**(B) Permits.** The director shall act in accordance with this rule and rules 3745-77-08 and 3745-103-13 of the Administrative Code, and 40 CFR Part 71 in issuing or denying an opt-in permit and incorporating it into a combustion or process source's operating permit. To the extent that any requirement of this rule, 40 CFR Part 72, 40 CFR Part 78, and rule 3745-103-13 of the Administrative Code, are inconsistent with the requirements of rule 3745-77-08 of the Administrative Code, 40 CFR Part 71, the requirements of this rule, 40 CFR Part 72, 40 CFR Part 78, rule 3745-103-13 of the Administrative Code, and section 3745.04 of the Revised Code, shall take precedence and shall govern the issuance, denials, revision, reopening, renewal, and appeal of the opt-in permit.

**(C) Appeals.**

- (1) The procedures for appeals of decisions of the director under this rule are contained in section 3745.04 of the Revised Code.
- (2) The procedures for appeals of decisions of the USEPA under this rule are contained in 40 CFR Part 78.

**(D) Allowances.** A combustion or process source that becomes an affected unit under this rule shall be subject to all the requirements of 40 CFR Part 73, Subparts C and D, consistent with rules 3745-103-41 to 3745-103-51 of the Administrative Code.

**(E) Excess emissions.** A combustion or process source that becomes an affected unit under this rule shall be subject to the requirements of 40 CFR Part 77 applicable to excess emissions of sulfur dioxide and shall not be subject to the requirements of 40 CFR Part 77 applicable to excess emissions of nitrogen oxides.

(F) Monitoring. A combustion or process source that becomes an affected unit under this rule shall be subject to all the requirements of 40 CFR Part 75, consistent with rules 3745-103-52 and 3745-103-53 of the Administrative Code.

Effective:

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

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(E)  
Rule Amplifies: 3704.03(A), 3704.03(E)  
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