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3745-31-28 **Review of major stationary sources of hazardous air pollutants requiring MACT determinations.**

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

(A) Applicability.

Except as provided in paragraph (C) of this rule, the requirements of this ~~section~~ rule apply to the construction or reconstruction of a major MACT source.

(B) Requirements.

On or after June 29, 1998, no person may cause, permit, or allow the beginning of actual construction or reconstruction of any process or production unit that is a major MACT source without first applying for and obtaining a MACT determination from the director unless specifically exempted under paragraph (C) of this rule.

(C) Exemptions.

The following major MACT sources are exempt from the requirements of this rule:

- (1) Any major MACT source that has been specifically regulated or exempted from regulation under a federal standard issued pursuant to Section 112(d) or Section 112(h) of the Clean Air Act and incorporated in a subpart of 40 CFR Part 63, or under a determination issued pursuant to Section 112(j) of the Clean Air Act;
- (2) Any major MACT source that has received a final permit-to-install before June 29, 1998;
- (3) Any major MACT source that is an electric utility steam generating unit, unless and until such time as these units are added to the source category list pursuant to Section 112(c)(5) of the Clean Air Act;
- (4) Any major MACT source that is within a source category which has been deleted from the source category list pursuant to Section 112(c)(9) of the Clean Air Act;  
~~or~~
- (5) Any major MACT source that is a research and development activity.

(D) Data submission.

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The permit application for a major MACT source to which this rule applies shall specify a control technology selected by the applicant that, if properly maintained and operated, will satisfy ~~the requirements of~~ paragraph (E) of this rule.

- (1) In each case where a constructed or reconstructed major MACT source would require additional control technology or change in control technology, the application for a MACT determination shall contain the following information:
  - (a) The name and address (physical location) of the major MACT source to be constructed or reconstructed.
  - (b) A brief description of the major MACT source to be constructed or reconstructed and identification of any listed source category or source categories from Section 112(c) of the Clean Air Act in which it is included.
  - (c) The expected commencement date for the construction or reconstruction of the major MACT source.
  - (d) The expected completion date for the construction or reconstruction of the major MACT source.
  - (e) The anticipated date of start-up for the constructed or reconstructed major MACT source.
  - (f) The HAPs to be emitted by the constructed or reconstructed major MACT source, and the estimated emission rate for each such HAP, to the extent that this information is required by the director.
  - (g) Any federally enforceable emission limitations applicable to the constructed or reconstructed major MACT source.
  - (h) The maximum and expected utilization of capacity of the constructed or reconstructed major MACT source, and the associated uncontrolled emission rates for that source to the extent this information is needed by the director to determine MACT.
  - (i) The controlled emissions for the constructed or reconstructed major MACT source ~~(   in tons per year)~~, at expected and maximum utilization of capacity to the extent this information is needed by the director to determine MACT.
  - (j) A recommended emission limitation for the constructed or reconstructed major MACT source consistent with the principles set forth in paragraph (E) of this rule.
  - (k) Any other relevant information required pursuant to 40 CFR Part 63, Subpart A.

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- (l) The control technology selected to meet the recommended MACT emission limitation, including technical information on the design, operation, size, and estimated control efficiency of the control technology.
  - (m) Supporting documentation including identification of alternative control technologies considered by the applicant to meet the emission limitation, and analysis of cost and non-air quality health and environmental impacts or energy requirements for the selected control technology.
- (2) In each case where an applicant contends that a constructed or reconstructed major MACT source will be in compliance, upon start-up, with case-by-case MACT without a change in control technology, the application shall contain the following information:
- (a) The information described in paragraphs (D)(1)(a) to (D)(1)(j) of this rule; ~~and~~.
  - (b) Documentation of the control technology in place.

(E) Principles of MACT determination.

The following general principles shall govern preparation by the applicant of each permit application requiring a MACT determination, and all subsequent review of and actions taken concerning such an application:

- (1) The MACT emission limitation or MACT requirements recommended by the applicant and approved by the director shall not be less stringent than the emission control which is achieved in practice by the best controlled similar source, as determined by the director.
- (2) Based upon available information as defined in this rule, the MACT emission limitation and control technology recommended by the applicant and approved by the director shall achieve the maximum degree of reduction of HAP emissions which can be achieved by utilizing those control technologies identified in the available information, considering the costs of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements associated with the emission reduction.
- (3) The applicant may recommend, and the director may approve, a specific design, equipment, work practice, operational standard, or combination thereof, if the director determines that it is not feasible to prescribe or enforce an emission limitation.
- (4) If a federal emission standard has been proposed pursuant to Sections 112(d) or 112(h) of the Clean Air Act, or if the United States environmental protection

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agency has adopted a presumptive MACT determination for the source category which includes the constructed or reconstructed source, then the MACT requirements applied to the source shall have considered those emission limitations and requirements of the proposed MACT standard or presumptive MACT determination.

- (5) Any permit-to-install containing a MACT determination shall include all monitoring, testing, recordkeeping, and reporting requirements necessary to ensure initial and ongoing compliance of the major MACT source with the MACT determination.

(F) Prohibition.

No person may begin actual construction or reconstruction of a major MACT source until the director has made a MACT determination for that source and included the requirements of that determination in a final and effective permit-to-install.

- (G) The effective date of the MACT determination shall be the date of issuance of the permit-to-install.

- (H) On and after the date of start-up, a major MACT source which required a case-by-case MACT determination shall be in compliance with all the applicable requirements of the MACT determination as specified in the final permit-to-install.