

3745-77-09

**Permit review by the administrator and affected states.**

[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 ~~(SS)~~(TT) of rule 3745-77-01 of the Administrative Code titled "~~Referenced~~referenced materials."]

**(A) Transmission of information to the administrator.**

- (1) Unless the administrator waives this requirement as provided in 40 CFR 70.8(a)(2), the director shall provide to the administrator a copy of each Title V permit application (including any application for Title V permit modification), each proposed Title V permit, and each final Title V permit. The director may require the applicant to provide a copy of the permit application (including the compliance plan) directly to the administrator. Upon agreement with the administrator, the director may submit to the administrator a Title V permit application summary form and any relevant portion of the Title V permit application and compliance plan, in place of the complete permit application and compliance plan.
- (2) The director shall keep for five years such records and submit to the administrator such information as the administrator may reasonably require to ascertain whether the state program complies with the requirements of the act and 40 CFR Part 70.

**(B) Review by affected states.**

- (1) The director shall give notice of each draft Title V permit to any affected state on or before the time that the director provides this notice to the public under paragraph (G) of rule 3745-77-08 of the Administrative Code except to the extent paragraphs (C)(1)(d) and (C)(2)(c) of rule 3745-77-08 of the Administrative Code require the timing of the notice to be different.
- (2) As part of the director's submittal of a proposed Title V permit to the administrator (or as soon as possible after the submittal for minor permit modification procedures under paragraph (C)(1) or (C)(2) of rule 3745-77-08 of the Administrative Code, the director shall notify the administrator and any affected state in writing of any refusal by the director to accept all recommendations for the proposed Title V permit that the affected state submitted during the public or affected state review period. The notice shall include the director's reasons for not accepting any such recommendation. The director is not required to accept recommendations that are not based on federally applicable requirements or the requirements of this chapter.

(C) Objection by the administrator.

- (1) No Title V permit for which an application must be transmitted to the administrator under paragraph (A) of this rule shall be issued if the administrator objects to its issuance in writing within forty-five days of receipt of the proposed permit and all necessary supporting information.
- (2) The director shall, within ninety days after the date of receipt of an objection under paragraph (C)(1) of this rule, revise and submit a proposed Title V permit in response to the objection unless the director determines that no change in the proposed permit is necessary or appropriate to comply with applicable requirements or requirements of this chapter. In no event shall the director issue a Title V permit over the objection of the administrator.

Effective:

Five Year Review (FYR) Dates: 11/15/2017

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(E), 3704.03(G), 3704.03(X), 3704.036  
Rule Amplifies: 3704.036  
Prior Effective Dates: 04/20/1994, 02/14/2010