

3745-78-02 **Fee emission reports.**

- (A) By June 15, 1994 and April fifteenth of each year thereafter, except as provided by paragraph (G) of this rule, owners or operators of sources subject to the Title V permit program pursuant to rule 3745-77-02 of the Administrative Code, including facilities with a potential to emit any one regulated air pollutant of a quantity greater than or equal to one hundred tons per year, or any one hazardous air pollutant (HAP) greater than or equal to ten tons per year, or any combination of hazardous air pollutants greater than twenty-five tons per year, must submit, in a form and manner prescribed by the director, a fee emission report that quantifies the actual emission data for particulate matter, sulfur dioxide, organic compounds, nitrogen oxides, and lead (but shall not also be considered particulate matter). For purposes of this requirement, the potential to emit emission data shall be calculated annually on the basis of the facts as they existed on December thirty-first of the previous year. The owner or operator of a facility shall pay fees on the facility's actual emissions as specified in division (C) of section 3745.11 of the Revised Code.
- (B) For any facility whose owner or operator does not file a fee emission report required in paragraph (A) of this rule, the director may require the owner or operator of that facility to submit annually potential to emit emission data to support the claim that it is not subject to the requirements of paragraph (A) of this rule based upon engineering calculations, emission factors, material balance calculations, or performance testing methods.
- (C) By April 15, 1996, and by April fifteenth every two years thereafter, except as provided by paragraph (G) of this rule, owners or operators of facilities whose sum of actual annual emissions of particulate matter, sulfur dioxide, organic compounds, nitrogen oxide, and lead (but shall not also be considered particulate matter) from the emission units at the facility for which the owner or operator is required to apply for a permit or variance under Chapter 3745-35 of the Administrative Code, are greater than or equal to fifty tons per year and are not required to apply for a permit under the provisions of rule 3745-77-02 of the Administrative Code, must submit in a format and manner prescribed by the director a fee emission report that includes the following:
- (1) For each regulated air pollutant, potential to emit emission data calculated annually on the basis of the facts as they existed on December thirty-first of the previous year.
 - (2) For particulate matter, sulfur dioxide, organic compounds, nitrogen oxide, and lead, actual emission data for each of the prior two calendar years. Owners or operators of facilities shall pay fees on actual emissions for each of the prior two calendar years as specified in division (D) of section 3745.11 of the Revised Code.

- (D) By April 15, 1996, and by April fifteenth every two years thereafter, except as provided by paragraph (G) of this rule, owners or operators of facilities whose sum of actual annual emissions from the facility of particulate matter, sulfur dioxide, organic compounds, nitrogen oxide, and lead (but shall not also be considered particulate matter) are less than fifty tons per year, shall attest to the fact that the owner or operator of the facility is not required to apply for a permit under the provisions of rule 3745-77-02 of the Administrative Code, and that the sum of the pollutants stated in this paragraph are less than fifty tons per year. This statement shall be made on the fee emission report for the prior two years as specified in division (D) of section 3745.11 of the Revised Code. Owners or operators of facilities subject to this paragraph shall be responsible for payment of these fees.
- (E) For any owner or operator who claims to be subject to the provisions of paragraph (D) of rule 3745-78-02 of the Administrative Code, the director may require the owner or operator of that facility to submit annual actual emission or potential to emit data to support this claim based upon engineering calculations, emission factors, material balance calculations, or performance testing methods.
- (F) If authorized to collect a fee under division (D) of section 3745.11 of the Revised Code, owners or operators of a synthetic minor facility must submit, by April 15, 2000 and each year thereafter, except as provided by paragraph (G) of this rule, in a form and manner prescribed by the director, a fee emission report that quantifies the actual emission data for particulate matter, sulfur dioxide, organic compounds, nitrogen oxides, and lead (but shall not also be considered particulate matter). For purposes of this requirement, the fee emission report shall be calculated annually. The owner or operator of a facility identified in this paragraph shall pay fees on the facility's actual emissions as specified in division (D) of section 3745.11 of the Revised Code.
- (G) Fee emission reports due during calendar year 2008 and required under paragraph (A), (C) or (F) of this rule and the statement required under paragraph (D) of this rule, shall be submitted by June 6, 2008.

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Certification

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