

3745-107-03**Timelines and enforceability.**

[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 paragraph (C) of rule 3745-107-01 of the Administrative Code.]

(A) Final compliance timelines for the standards of performance and associated monitoring record keeping and reporting shall be as follows:

(1) For an owner or operator of an EGU subject to this chapter before the effective date of this rule, no later than July 8, 2024.

(2) For an owner or operator of an EGU subject to this chapter that no longer meets an exclusion under 40 CFR 60.5780a, no more than twenty-four months from Ohio's revised plan submittal required under 40 CFR part 60, subpart UUUUa.

(3) In lieu of the compliance schedule in paragraph (A)(1) or paragraph (A)(2) of this rule, an extended compliance schedule may be approved by the director provided there are legally enforceable increments of progress to achieve compliance for each EGU. Where practicable, increments of progress shall include the following:

(a) Submittal of a final control plan for the EGU to the director.

(b) Awarding of contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modification.

(c) Initiation of on-site construction or installation of emission control equipment or process change.

(d) Completion of on-site construction or installation of emission control equipment or process change.

(e) Final compliance.

(B) EGU-specific operational characteristics, heat rate study and standard of performance proposals required under rule 3745-107-02 of the Administrative Code shall be submitted as follows:

(1) For an owner or operator of an EGU subject to this chapter before the effective date of this rule, no later than May 3, 2021.

- (2) For an owner or operator of an EGU that no longer meets an exclusion under 40 CFR 60.5780a, no later than one hundred twenty days after becoming subject to this chapter.
- (C) The director shall make the standard of performance and associated monitoring, record keeping and reporting enforceable by adopting in the Ohio Administrative Code; issuing in a permit under either Chapter 3745-77 or Chapter 3745-31 of the Administrative Code; by director's order; or by an Ohio consent agreement, according to the following:

  - (1) For an owner or operator of an EGU subject to this chapter before the effective date of this rule, prior to the plan due date for Ohio's plan required under 40 CFR part 60, subpart UUUUa.
  - (2) For an owner or operator of an EGU that no longer meets an exclusion under 40 CFR 60.5780a, prior to submittal of Ohio's revised plan required under 40 CFR part 60, subpart UUUUa.

Effective: 12/12/2020

Five Year Review (FYR) Dates: 12/12/2025

CERTIFIED ELECTRONICALLY

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Certification

12/02/2020

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Date

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