

3745-103-31 **Opt-in withdrawal.**

[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 3745-103-01 of the Administrative Code titled "Referenced materials."]

- (A) Withdrawal through administrative amendment. An opt-in source may request to withdraw from the acid rain program by submitting an administrative amendment under rule 3745-103-18 of the Administrative Code; provided that the amendment will be treated as received by the director upon issuance of the notification of the acceptance of the request to withdraw under paragraph (F)(1) of this rule.
- (B) Requesting withdrawal. To withdraw from the acid rain program, the designated representative of an opt-in source shall submit to the USEPA and the director a request to withdraw effective January first of the year after the year in which the submission is made. The submission shall be made no later than December first of the calendar year preceding the effective date of withdrawal.
- (C) Conditions for withdrawal. In order for an opt-in source to withdraw, the following conditions must be met:
 - (1) By no later than January thirtieth of the first calendar year in which the withdrawal is to be effective, the designated representative must submit to the USEPA an annual compliance certification report pursuant to rule 3745-103-44 of the Administrative Code.
 - (2) If the opt-in source has excess emissions in the calendar year before the year for which the withdrawal is to be in effect, the designated representative must submit an offset plan for excess emissions, pursuant to 40 CFR Part 77, that provides for immediate deduction of allowances.
- (D) USEPA's action on withdrawal. After the opt-in source meets the requirements for withdrawal under paragraphs (B) and (C) of this rule, the USEPA will deduct allowances required to be deducted under 40 CFR 73.35 and 40 CFR Part 77 and allowance equal in number to and with the same or earlier compliance use date as those allocated under rule 3745-103-41 of the Administrative Code for the first year for which the withdrawal is to be effective and all subsequent years.
- (E) Opt-in source's prior violations. An opt-in source that withdraws from the acid rain program shall comply with all requirements under the acid rain program concerning all years for which the opt-in source was an affected unit, even if such requirements arise, or must be complied with after the withdrawal takes effect.
- (F) Notification.

- (1) After the requirements for withdrawal under paragraphs (B) and (C) of this rule are met and after the USEPA's action on withdrawal under paragraph (D) of this rule is complete, the USEPA will issue a notification to the director and the designated representative of the opt-in source of the acceptance of the opt-in source's request to withdraw.
- (2) If the requirements for withdrawal under paragraphs (B) and (C) of this rule are not met or the USEPA's action under paragraph (D) of this rule cannot be completed, the USEPA will issue a notification to the director and the designated representative of the opt-in source that the opt-in source's request to withdraw is denied. If the opt-in source's request to withdraw is denied, the opt-in source shall remain in the opt-in program and shall remain subject to the requirements for opt-in sources contained in this rule.

(G) Permit amendment.

- (1) After the USEPA issues a notification under paragraph (F)(1) of this rule that the requirements for withdrawal have been met (including the deduction of the full amount of allowances as required under paragraph (D) of this rule), the director shall amend, in accordance with rules 3745-103-15 and 3745-103-18 of the Administrative Code, the opt-in source's acid rain permit to terminate the opt-in permit, not later than sixty days from the issuance of the notification under paragraph (F) of this rule.
- (2) The termination of the opt-in permit under paragraph (G)(1) of this rule will be effective of January first of the year for which the withdrawal is requested. An opt-in source shall continue to be an affected unit until the effective date of the termination.

(H) Reapplication upon failure to meet conditions of withdrawal. If the USEPA denies the opt-in source's request to withdraw, the designated representative may submit another request to withdraw in accordance with paragraphs (B) and (C) of this rule.

(I) Ability to return to the acid rain program. Once a combustion or process source withdraws from the acid rain program and its opt-in permit is terminated, a new opt-in permit application for the combustion or process source may not be submitted prior to the date that is four years after the date on which the opt-in permit became effective.

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