

3745-31-33

Site preparation activities prior to obtaining a final permit-to-install or PTIO.

- (A) Under paragraph (A)(1) of rule 3745-31-02 of the Administrative Code, new air contaminant sources or modified air contaminant sources shall not be installed or modified until a final permit-to-install or PTIO is obtained from the director. This rule describes activities that can be undertaken prior to obtaining a final permit-to-install or PTIO and, are therefore, excluded from the definition of begin actual construction.

[Comment: Some activities described in this rule may not begin until any applicable national pollutant discharge elimination system (NPDES) permit, isolated wetland permit or 401 water quality certification is obtained. Notwithstanding any other provision of this rule, compliance with this chapter does not relieve any person from the requirements of Chapter 3734. or 3714. of the Revised Code and rules adopted thereunder.]

- (B) Risk to the owner or operator.

- (1) This rule does not in any way guarantee that a final permit-to-install or PTIO will be issued.
- (2) The implementation of any of the activities described in this rule are at the entire risk of the owner or operator.
- (3) If a final permit-to-install or PTIO is issued, any necessary design changes, and the costs associated with those design changes (including costs due to delayed construction) in order to comply with the terms of the final permit-to-install or PTIO are entirely at the owner or operator's risk. Any costs associated with these design changes may not be used as part of any BAT, BACT, LAER or MACT determination cost-effectiveness evaluations.

- (C) General restrictions.

All construction activities must comply with any applicable fugitive dust requirements contained in rule 3745-17-08 of the Administrative Code.

- (D) Installation of buildings or structures not containing air contaminant sources.

The construction of warehouses, store rooms, office buildings, or other buildings or structures that are not planned to contain any air contaminant ~~source(s)~~ [source](#) as part of an air contaminant source project may be constructed prior to obtaining a final permit-to-install or PTIO if the buildings or structures would be built (for business financial reasons) even though no final permit-to-install or PTIO could be

obtained.

(E) Acceptable site preparation activities for any air contaminant source project.

The following activities do not constitute beginning actual construction and may be undertaken prior to obtaining a final permit-to-install or PTIO for a particular air contaminant source project:

- (1) Clearing the site of existing vegetation, old buildings, or old equipment.
- (2) Grading and clearing of land, stripping and stockpiling topsoil, earthwork cut and fill for foundations in preparation for construction.
- (3) Installing temporary site access roadways and parking areas.
- (4) Installing temporary construction equipment storage areas.
- (5) Storing of construction equipment including temporary buildings and trailers for equipment storage and for construction offices.
- (6) Exploratory excavation and borings to assess the suitability of a site for the intended building or installation activities.
- (7) Excavating building footers, pilings, foundations, pads, and platforms, etc. (note, no pouring of concrete is allowed).
- (8) Installing concrete forms and reinforcing bar for any concrete footers, pilings, foundations, pads and platforms, etc. (note, no pouring of concrete is allowed).
- (9) Installing temporary utilities for site construction including electricity, water, gas, communication and sanitary.
- (10) Removing old equipment from existing buildings.
- (11) Installation of any temporary construction dust control systems (sprinklers, etc.).
- (12) Installation of any signage or traffic control signs.
- (13) Installation of any utility poles by a utility company.

- (14) Installation of [site drainage](#), temporary erosion [control](#) and sedimentation control systems including [ditches, culverts, earthworks for underground storm drains, headwalls](#), hay bales, silt fences, rip-raps, [catch basins](#) and sandbags [provided, when applicable, the appropriate storm water permit has been obtained](#).
 - (15) Installation of new landscaping including trees, bushes and seeding of disturbed earthwork.
 - (16) Installation of landscaping fencing.
 - (17) Installation of temporary fences and signs around the construction site.
 - (18) Stockpiling of stone, soil and other materials for future construction.
- (F) Additional acceptable site preparation activities for any source that is not a major new or modified source (i.e., minor modifications and minor new sources).

The following additional site preparation activities may be undertaken prior to obtaining a final permit-to-install or PTIO provided the air contaminant source project is not a major modification, a major stationary source, or part of a permit-to-install or PTIO designed to avoid a major modification or classification of a major stationary source through permit-to-install or PTIO restrictions (known as a synthetic minor or netting permits avoiding major new source review). These activities may only be undertaken if the owner or operator has filed a complete application for a permit-to-install or PTIO, the director or his/her designee has determined the application is administratively complete, and the owner or operator has provided notification, in a form and manner prescribed by the director, of the activities described in this rule that the owner or operator plans to undertake prior to receiving a final permit-to-install or PTIO.

- (1) Installing electrical service for any air contaminant ~~source(s)~~ [source](#) or air pollution control equipment up to the service panel for the new equipment. Connections to any air contaminant ~~source(s)~~ [source](#) or air pollution control equipment cannot be made until a final permit-to-install or PTIO is issued and effective.
- (2) Installing piping and sewers up to the point of connection to any air contaminant ~~source(s)~~ [source](#) or air pollution control equipment. Connections to any air contaminant ~~source(s)~~ [source](#) or air pollution control equipment cannot be made until a final permit-to-install or PTIO is issued and effective.

- (3) Installing inlet air and exhaust duct work with the exception of final connections to the air contaminant ~~source(s)~~ source or air pollution control equipment.
- ~~(4) Installing site drainage systems including ditches, culverts, earthwork for underground storm drains, headwalls and catch basins. This is authorized only if any necessary storm water permits have been obtained.~~
- ~~(5)~~(4) Installing concrete footers, foundations, pads and platforms for the building or for equipment.
- ~~(6)~~(5) Installing any permanent roadways and parking areas not required under this chapter to obtain a permit-to-install or PTIO.
- ~~(7)~~(6) Storing parts and equipment of the air contaminant ~~source(s)~~ source or air pollution control equipment.
- ~~(8)~~(7) Construction of new or expanded buildings, or the renovation or upgrading of existing buildings, in preparation for the installation of new or modified air contaminant ~~source(s)~~ source or air pollution control equipment.
- ~~(9)~~(8) Equipment that constitutes a component of an air contaminant source (including air pollution control equipment) may be delivered to the site prior to obtaining a final permit-to-install or a PTIO if the following criteria are met:
- (a) If the equipment is to be installed in an existing building, then it may be placed in its final location and secured. No utilities, piping, or duct work may be connected to the equipment. The equipment shall not be operated.
- (b) If the equipment is to be installed in a building that has not yet been built, then it can either be secured on the foundation of its final site or may be located anywhere on the property. No utilities, piping, or duct work may be connected to the equipment. The equipment shall not be operated.
- (G) ~~The director, at his/her~~ At the director's discretion and in writing, the director may determine that an activity not listed in paragraphs (E) and (F) of this rule is an activity that can be undertaken prior to obtaining a final permit-to-install or PTIO for an air contaminant source project. Any activity approved by the director ~~must~~ shall meet the requirements described in division (F)(5) of section 3704.03 of the Revised Code and ~~must~~ shall meet all applicable law. A request for approval of

these activities shall be made in writing and shall provide: a detailed description of the desired activities; an analysis of why the activities are allowed under all state and federal air pollution rules, regulations ~~and/or~~ or laws; and a description of the adverse consequences that would occur to the permittee if the activities were not allowed prior to obtaining a final permit-to-install or PTIO.