

3745-31-05 **Criteria for decision by the director.**

[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 the "Incorporation by Reference" section at the end of rule 3745-31-01 of the Administrative Code.]

(A) The director shall issue a permit-to-install, on the basis of the information appearing in the application, or information gathered by or furnished to the Ohio environmental protection agency, or both, if he determines that the installation or modification and operation of the air contaminant source will:

(1) Not prevent or interfere with the attainment or maintenance of applicable ambient air quality standards; and

(2) Not result in a violation of any applicable laws, including but not limited to:

(a) Emission standards adopted by the Ohio environmental protection agency;

(b) Federal standards of performance for new stationary sources adopted by the administrator of the United States environmental protection agency pursuant to Section 111 of the Clean Air Act and the regulations promulgated thereunder;

(c) Requirements pertaining to installation of major stationary sources or major modifications in attainment and nonattainment areas as contained in rule 3745-31-10 to rule 3745-31-27 of the Administrative Code.

(d) National emission standards for hazardous air pollutants adopted by the administrator of the United States environmental protection agency pursuant to Section 112 of the Clean Air Act and the regulations promulgated thereunder (including 40 CFR Part 61 and 40 CFR Part 63);

(3) Employ BAT, except:

(a) When the only requirement to obtain a permit-to-install is due to:

(i) A modification as a result of the requirements of paragraph (PPP)(1)(b) of rule 3745-31-01 of the Administrative Code; or

(ii) The requirements of paragraph (A)(2) of rule 3745-31-02 of the Administrative Code, or

(b) When the new or modified air contaminant source is installed or modified on or after August 3, 2006 and has the potential to emit, taking into account air

pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the Clean Air Act.

- (B) In deciding whether to grant or deny a permit-to-install, the director may take into consideration the social and economic impact of the air contaminants, water pollutants, or other adverse environmental impact that may be a consequence of issuance of the permit-to-install.
- (C) The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality. Special terms and conditions necessary to ensure compliance with requirements mandated by the Clean Air Act or regulations promulgated by the administrator thereunder, including synthetic minor emissions unit conditions that restrict the stationary source's potential to emit below major size cutoffs, shall be federally enforceable and designated as such in the permit-to-install. The director may impose terms and conditions necessary to ensure compliance with any provisions of the statutes or regulations of the state of Ohio that are not mandated by the Clean Air Act or regulations adopted by the administrator thereunder, but such terms and conditions shall be enforceable as state law only, and shall be designated as such in the permit-to-install.
- (D) An applicant whose air contaminant source(s) meets the following criteria may request in writing that the air contaminant source(s) be issued an express permit-to-install (registration status). In order to be considered for express permit-to-install processing (registration status), the air contaminant source owner or operator must:
 - (1) Submit a complete permit-to-install application,
 - (2) Demonstrate compliance with all applicable law including the employment of BAT,
 - (3) Have maximum uncontrolled emissions as defined in rule 3745-31-01 of the Administrative Code of less than five tons per each year for particulate matter, sulfur dioxide, nitrogen oxides, and OCs,
 - (4) Not be subject to the United States environmental protection agency new source performance standards, and
 - (5) Not be subject to the national emission standards for hazardous air pollutants or a United States environmental protection agency promulgated standard for HAPs.

Within sixty days of the receipt of a complete request, the director shall notify the applicant whether the air contaminant source will be accepted for express permit-to-install processing (registration status). Installation or construction of

the air contaminant source may commence after sixty days if the applicant has not been notified or upon the issuance of the express permit-to-install (registration status).

The issuance of an express permit-to-install (registration status) does not relieve the applicant from compliance with any applicable air pollution control requirement (including the requirement to apply for a permit-to-operate) and is at the discretion of the director.

- (E) In determining whether the director issues a site approval for a portable source, the applicant must demonstrate that the following criteria have been met:
- (1) The portable source continues to comply with the currently effective Ohio environmental protection agency permit-to-install or express permit-to-install (registration status), and/or any applicable permit-to-operate.
 - (2) The portable source was issued a permit-to-install and where BAT requirements were defined in that permit-to-install, the portable source continues to comply with any applicable BAT requirements.
 - (3) The portable source owner has identified the proposed site to Ohio environmental protection agency.
 - (4) Ohio environmental protection agency has determined that the portable source, at the proposed site, will have an acceptable environmental impact.
 - (5) A public notice, consistent with Chapter 3745-47 of the Administrative Code, is published in the county where the proposed site is located.
 - (6) The owner of the proposed site has provided the portable source owner with approval or equivalent declaration that it is acceptable to the site owner to move the portable source to this proposed site.
 - (7) The portable source owner has provided Ohio environmental protection agency with fifteen days written notice of the relocation.

Any site approvals issued by Ohio environmental protection agency shall be valid for no longer than three years and are subject to renewal.

[Comment: Relocation of any portable source that results in the installation of a major stationary source or the modification of a major stationary source must also meet all applicable requirements under this chapter, including the requirement to obtain a permit-to-install prior to relocation. Relocation of any portable source that results in the creation of a major source, as defined in rule 3745-77-01 of the Administrative Code, must also meet all applicable requirements under the Title V

program contained in Chapter 3745-77 of the Administrative Code, which may include the requirement to apply for a Title V permit.]

- (F) The director may modify the site approval to add or delete certain portable sources or add or delete certain terms and conditions as appropriate.
- (G) Within one hundred eighty days after a completed application is filed, the director shall issue or propose to issue or deny a permit-to-install or express permit-to-install (registration status), and such action shall be in accordance with Chapter 3745-47 of the Administrative Code.
- (H) The director shall coordinate the review and issuance of an air pollution permit-to-install with any other relevant Ohio environmental protection agency permit-to-install program. This coordination of an individual permit-to-install shall involve the identification of materials to relevant programs and the coordination of the granting or denying of program separate or program combined permit-to-installs. A coordinated review and issuance of an air pollution permit-to-install for an air contaminant source is typically needed for the following types of air contaminant sources and would be coordinated with the following divisions:

Air Contaminant Source Type	DHWM	DSW	DDAGW	DSIWM
Composting Facility	X	X	X	X
Degreasing/Cold Cleaning	X	X		
Dry Cleaning	X	X		
Gasoline Dispensing Facility	X	X		
Infectious Waste Incinerator	X	X		
Liquid Material Storage Tanks	X	X	X	
Loading Rack	X	X		
Painting Operations	X	X		
Printing Operations	X	X		
Sanitary Landfill		X	X	X
Solid Waste Incinerator		X		X
Solid Waste Transfer Facility		X	X	X
Sources with Baghouses	X			
Sources with Electrostatic Precipitators	X			
Sources with Scrubbers	X	X		
Hazardous Waste Management Unit	X	X	X	
Hazardous Waste Recycling Facility	X	X	X	

DHWM - division of hazardous waste management; DSW - division of surface water; DDAGW - division of drinking and ground waters; ; DSIWM - solid and infectious waste management

The director may consult with other Ohio environmental protection agency programs or other persons as he deems appropriate.

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