

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

- (A) The director shall issue a permit to install or a plan approval, 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, solid waste disposal facility, water pollution source, disposal system, land application of sludge, or public water system will:
- (1) Not prevent or interfere with the attainment or maintenance of applicable ambient water quality standards or ambient air quality standards; and
 - (2) Not result in a violation of any applicable laws, including but not limited to:
 - (a) Effluent standards adopted by the director or the administrator of the United States environmental protection agency;
 - (b) Emission standards adopted by the Ohio EPA;
 - (c) 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;
 - (d) Requirements regarding non-attainment areas, as defined in section 171 et seq. of the Clean Air Act and the regulations promulgated thereunder including:
 - (i) Section 173 of the Clean Air Act and the regulations promulgated thereunder;
 - (ii) The emission offset policy, designated as "Appendix S to Part 51 - Emission Offset Interpretative Ruling," Code of Federal Regulations;
 - (iii) Section 172(b)(ii)(A) of the Clean Air Act, which must be satisfied in the case of affected sources of organic compounds and carbon monoxide, which are planning to locate in those counties that require an extension beyond December 31, 1982, to achieve the "National Ambient Air Quality Standards."
 - (e) "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;

- (f) Requirements regarding prevention of significant deterioration, as defined in section 160 et. seq. of the Clean Air Act and the regulations promulgated thereunder;
- (3) Employ the best available technology, except when the only requirement to obtain a permit to install is due to a modification as described in paragraph (J) (1) (b) of rule 3745-31-01 AND PARAGRAPH (A) (2) OF RULE 3745-31-02 of the Administrative Code.
- (B) In determining whether to grant or deny a change in the authorized maximum daily waste receipt for a solid waste disposal facility, the director shall require the owner or operator to demonstrate that the solid waste facility can operate in compliance with all applicable solid waste regulations while receiving the requested maximum daily waste receipt. An adequate demonstration includes, but is not limited to, an explanation of the overall site design including construction timeframes and fill sequences for the solid waste facility; operational criteria such as the solid waste facility's equipment availability, cover availability and manpower; and if applicable, the owner's previous compliance history throughout the life of the solid waste facility and the daily logs for the period that the solid waste facility was out of compliance.
- (C) In deciding whether to grant or deny a permit to install or plan approval 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 or plan approval.
- (D) 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 FEDERAL CLEAN AIR ACT OR REGULATIONS PROMULGATED BY THE ADMINISTRATOR THEREUNDER, INCLUDING SYNTHETIC MINOR SOURCE CONDITIONS THAT RESTRICT A 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 FEDERAL 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.

- (E) An applicant whose source(s) meets the following criteria may request in writing that the source(s) be placed on permit to install registration status. In order to be considered for registration status, the source owner or operator must:
- (1) Submit a complete permit to install application,
 - (2) Demonstrate compliance with all applicable law including the employment of best available technology,
 - (3) Have maximum uncontrolled emissions as defined in paragraph (T) of rule 3745-31-01 of the Administrative Code of less than five tons per each year for particulate matter, sulfur dioxide, nitrogen oxides and organic compounds,
 - (4) Not be subject to the U.S. EPA new source performance standards, and
 - (5) Not be subject to the national emission standards for hazardous air pollutants or a U.S. EPA promulgated standard for hazardous air pollutants.

Within sixty days of the receipt of a complete request, the director shall notify the applicant whether the source will be accepted for permit to install registration status. Installation or construction of the source may commence after sixty days if the applicant has not been notified or upon the issuance of the registration status.

The issuance of a 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.

- (F) In determining whether the director issues a site approval for a portable source, the applicant must demonstrate that the following criteria have been met:

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- (1) The source owner or operator possesses an Ohio EPA permit to install, permit to operate or registration status.
- (2) The source is equipped with best available technology.
- (3) The source owner has identified the proposed site to Ohio EPA.
- (4) Ohio EPA has determined that the 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 source owner with approval or equivalent declaration that it is acceptable to the site owner to move the source to this proposed site.
- (7) The source owner has provided Ohio EPA with fifteen days written notice of the relocation.

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

- (G) The director may modify the site approval to add or delete certain sources or add or delete certain terms and conditions as appropriate.
- (H) 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, a permit to install registration notice, or plan approval, and such action shall be in accordance with Chapter 3745-47 of the Administrative Code.

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Effective: April 20, 1994

Certification: (signed by Donald R. Schregardus)
Donald R. Schregardus, Director
Ohio Environmental Protection Agency

April 4, 1994
Date

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