

3745-31-13 **Attainment provisions - review of major stationary sources and major modifications, stationary source applicability and exemptions.**

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

(A) Start construction limitations

In accordance with this chapter of the Administrative Code, no major stationary source or major modification located in an attainment area shall begin actual construction unless, at a minimum, the requirements in rules 3745-31-01 to 3745-31-20 of the Administrative Code have been met and the stationary source has obtained a valid Ohio EPA permit to install.

(B) Air pollutants covered

The requirements contained in rules 3745-31-10 to 3745-31-20 of the Administrative Code shall apply to any major stationary source and any major modification as defined by this chapter with respect to each regulated NSR pollutant, except as otherwise allowed in rule 3745-31-13 of the Administrative Code.

(C) Attainment/non attainment applicability

The requirements contained in rules 3745-31-10 to 3745-31-20 of the Administrative Code apply only to any major stationary source or major modification that would be constructed in an area that is designated as attainment or unclassifiable under 40 CFR 81.336.

(D) Discretionary exemption

Upon request, the director, at his discretion, may exempt the following stationary sources from the requirements contained in rules 3745-31-10 to 3745-31-20 of the Administrative Code as applied to a particular major stationary source or major modification if:

- (1) The major stationary source would be or is a non-profit health or non-profit educational institution or a major modification that would occur at such an institution; or
- (2) The stationary source or modification is a portable stationary source that has previously received a permit under requirements equivalent to those contained in rules 3745-31-10 to 3745-31-20 of the Administrative Code if:

- (a) The owner or operator of the stationary source proposes to relocate and emissions of the stationary source at the new location would be temporary; and
- (b) The emissions from the stationary source would not exceed its allowable emissions; and
- (c) The emissions from the stationary source would not impact a class I area or any area where an applicable increment is known to be violated; and
- (d) Reasonable written notice is given to the director prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the director not less than thirty days in advance of the proposed relocation unless a different time duration is previously approved by the director.

(E) Stationary sources located in or impacting nonattainment areas

The requirements contained in rules 3745-31-10 to 3745-31-20 of the Administrative Code do not apply to a major stationary source or major modification with respect to a particular air pollutant if the owner or operator demonstrates that, as to that air pollutant, the stationary source or major modification is located in an area designated as nonattainment under Section 107 of the Clean Air Act. This exemption does not apply to stationary sources or major modifications that are located in an attainment area that impact a nonattainment areas pursuant to paragraph (D) of rule 3745-31-23 of the Administrative Code.

(F) Temporary increases

The requirements equivalent to those contained in rules 3745-31-10 to 3745-31-20 of the Administrative Code do not apply to a proposed major stationary source or major modification with respect to a particular air pollutant if the allowable emissions of that air pollutant from a new stationary source, or the net emissions increase of that air pollutant from a modification, would be temporary and would impact no class I area and no area where an applicable increment is known to be violated.

(G) Class II area limitations

The requirements contained in rules 3745-31-08 to 3745-31-10 of the Administrative Code as they relate to any maximum allowable increase for a class II area do not apply to a modification of a major stationary source that was in existence on March 1, 1978 if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of best available control technology would be less than fifty tons per year.

(H) Exemptions to preapplication ambient monitoring

The director may exempt a proposed major stationary source or major modification from the requirements of rule 3745-31-14 of the Administrative Code with respect to ambient monitoring for a particular air pollutant if:

- (1) The emissions increase of the air pollutant from a new stationary source or the new emissions increase of the air pollutant from a modification would cause, in any area, air quality impacts less than the following amounts:
 - (a) Carbon monoxide - five hundred seventy-five $\mu\text{g}/\text{cm}$, eight-hour average;
 - (b) Nitrogen dioxide - fourteen $\mu\text{g}/\text{cm}$, annual average;
 - (c) Particulate matter less than ten microns - ten $\mu\text{g}/\text{cm}$, twenty-four-hour average;
 - (d) Sulfur dioxide - thirteen $\mu\text{g}/\text{cm}$, twenty-four-hour average;
 - (e) Ozone - no de minimis air quality level is provided for ozone. However, any net increase of one hundred tons per year or more of volatile organic compounds subject to the attainment provisions of Chapter 3745-31 of the Administrative Code would be required to perform an impact analysis including the gathering of ambient air quality data;
 - (f) Lead - 0.1 $\mu\text{g}/\text{cm}$, three-month average
 - (g) Fluorides - 0.25 $\mu\text{g}/\text{cm}$, twenty-four-hour average;
 - (h) Total reduced sulfur - ten $\mu\text{g}/\text{cm}$, one-hour average;
 - (i) Hydrogen sulfide - 0.2 $\mu\text{g}/\text{cm}$, one-hour average;
 - (j) Reduced sulfur compounds - ten $\mu\text{g}/\text{cm}$, one-hour average; or
- (2) The ambient concentrations of the air pollutant in the area that the stationary source or modification would affect are less than the concentrations listed in paragraph (H)(1) of this rule; or
- (3) The air pollutant is not listed in paragraph (H)(1) of this rule; or
- (4) The director determines that representative monitoring data is available.

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