

[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) Authority to request approval

An owner or operator of a proposed major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major may request the director of the Ohio environmental protection agency to approve a system of innovative control technology.

(B) Limitations on approval

The director of the Ohio environmental protection agency, with the written consent of the governor(s) of other state(s) whose air quality may be affected by emissions from the major stationary source or major modification, may determine that the major stationary source or major modification may employ a system of innovative control technology if:

- (1) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare or safety in its operation or function;
- (2) The owner or operator agrees to achieve a level of continuous emission reduction equivalent to BACT by a date specified by the director. Such date shall not be later than four years from the time of start-up or seven years from permit issuance;
- (3) The major stationary source or major modification would meet the requirements equivalent to those in rules 3745-31-05 and 3745-31-06 of the Administrative Code based on the emission rate that the major stationary source employing the system of innovative control technology would be required to meet on the date specified by the director.
- (4) The major stationary source or major modification would not, before the date specified by the director;
  - (a) Cause or contribute to any violation of any applicable national ambient air quality standard; or
  - (b) Impact any Class I area; or

(c) Impact any area where an applicable increment is known to be violated;

(5) All other applicable requirements including those for public participation under rule 3745-31-09 of the Administrative Code have been met.

(C) Withdrawal of approval

The director shall withdraw any approval to employ a system of innovative control technology made under this rule if:

- (1) The proposed system fails by the specified date to achieve the required emission rate; or
- (2) The director determines that continued operation will cause or contribute to an unreasonable risk to public health, welfare or safety.

(D) Extension of demonstration period

If a proposed major stationary source or major modification fails to meet the required level of continuous emission reduction within the specified time period, or if the approval is withdrawn in accordance with paragraph (C) of this rule, the director may allow the major stationary source or major modification up to an additional three years to meet the requirement for the application of BACT through use of a demonstrated system of control.

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CERTIFIED ELECTRONICALLY

Certification

11/20/2006

Date

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