

Attainment provisions - innovative control
technology.

(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 et seq 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 *best available control technology* 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 emissions 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 emissions 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 *best available control technology* through use of a demonstrated system of control.

Effective: April 12, 1996

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

March 15, 1996
Date

Promulgated under: R.C. 119
Rule amplifies: R.C. 3704.03

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Rule authorized by: R.C. 3704.03
Prior effective date: None