

3745-31-29      **General permit-to-install.**

[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) Development of model general permits

The director may develop a model general permit for any category of air contaminant sources, or specific portions of any category of air contaminant sources, subject to the following conditions:

- (1) A model general permit shall apply to:
  - (a) Processes producing the same or similar products;
  - (b) Processes emitting the same or similar air contaminants;
  - (c) Methods for capturing and controlling the air contaminants that are the same or limited to a small number of specific alternatives; and
  - (d) Processes that are subject to the same emission limitations, monitoring requirements, federal standards, or state rules.
- (2) A model general permit shall identify criteria by which an air contaminant source(s) may qualify for the associated general permit and shall include terms and conditions under which the owner or operator agrees to install and/or operate the permitted air contaminant source(s). At a minimum, these terms and conditions shall include:
  - (a) Applicable emission limitations and/or control requirements;
  - (b) Any necessary operational restrictions;
  - (c) Any necessary monitoring, reporting and recordkeeping requirements; and
  - (d) Testing requirements.
- (3) The director shall provide an opportunity for public comment on the form and content of a model general permit as follows:
  - (a) The director shall announce availability for comment on draft model general permits under development containing the requirements in paragraph (A)(2) of this rule, providing a minimum of thirty days comment period. The

director shall publish notice in Ohio's major newspapers, the Ohio environmental protection agency publication, "Weekly Review," on the Ohio environmental protection agency website, and provide electronic notification to interested parties.

- (b) The director shall announce the final form of model general permits that were under development by publishing notice in Ohio's major newspapers, the "Weekly Review," on the Ohio environmental protection agency website, and provide electronic notification to interested parties.
  - (c) Final model general permits are not actions of the director and are, therefore, not subject to appeal.
- (4) Model general permits shall be reviewed at least once every five years from the date of announcement of the final form.
- (a) The review of the model general permit shall follow the same procedures for public comment as the draft and final form of the model general permits under development pursuant to paragraph (A)(3) of this rule.
  - (b) Any person may make a written request for the Ohio environmental protection agency review of the model general permit document prior to the Ohio environmental protection agency initiated review. Upon receipt of the request, the Ohio environmental protection agency will initiate the review procedure described in this rule.
- (5) Only the director may modify model general permits. Modifications to model general permits shall follow the same procedures pursuant to paragraph (A)(3) of this rule, except administrative modifications may occur without following the rules of procedure contained within this chapter. Existing final general permits are not affected by changes to the model general permit.

**(B) General permit-to-install applicability**

A general permit-to-install may be applied for and obtained if:

- (1) All of the qualifications and requirements described in this chapter are met, except as noted in paragraph (C)(2) of this rule;
- (2) The air contaminant source meets all of the qualifications listed in the requested model general permit;
- (3) The requested air contaminant source(s) are not affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the Clean Air Act; and

- (4) The requested air contaminant source is not part of a new major stationary source or major modification subject to the attainment or nonattainment provisions contained in rules 3745-31-10 to 3745-31-27 of the Administrative Code.

(C) General permit application

- (1) Owners or operators of air contaminant sources requesting a general permit-to-install shall do so using the forms prepared by the Ohio environmental protection agency. The application must include all information necessary to determine qualification for, and to assure compliance with, the general permit-to-install.
- (2) The application submitted shall comply with the requirements listed under rule 3745-31-04 of the Administrative Code except that the director may provide, in the model general permit-to-install, for applications that deviate from the requirements of rule 3745-31-04 of the Administrative Code, provided that such application includes all information necessary to determine qualification for, and assure compliance with, the general permit-to-install.

(D) General permit processing

The director may issue a general permit-to-install for any model general permit developed in accordance with paragraph (A) of this rule for a new air contaminant source(s) or modification(s) of an existing air contaminant source(s) as follows:

- (1) The director, at his discretion, shall issue either a draft action or a final action within forty-five days of receipt of a complete application. The director does not need to meet the forty-five day deadline for applications from air contaminant source(s) that do not require authorization to construct because the air contaminant source(s) currently holds a permit covering the source(s) that would be covered under the general permit-to-install.
- (2) The director shall comply with the procedures for notification under Chapter 3745-47 of the Administrative Code prior to issuing a general permit-to-install as follows:
  - (a) The director shall provide notification of requests by owners or operators of an air contaminant source(s) to be covered under the terms of the general permit-to-install. The director shall publish notice in a newspaper of general circulation in each county in which the air contaminant source(s) would be constructed, and provide electronic notification to interested parties.
  - (b) The director shall maintain, and make available to the public upon request, a list of all air contaminant source(s) that have obtained a general permit-to-install.

- (3) The director may require any applicant applying for a general permit-to-install to apply for and obtain an individual permit if it is determined that unique site specific circumstances warrant additional limitations or permit conditions to control or mitigate environmental impacts that were not considered and addressed in the development and issuance of the general permit-to-install.
- (4) Authorization to construct under the general permit-to-install shall be granted by the director in the form of a final permit action.
- (5) If the model general permit that was the basis of any final general permit-to-install has been changed per the procedures in paragraph (A)(3) of this rule, then the director can issue revised general permits-to-install with prior notice to the affected owner or operator following the issuance procedures defined in paragraph (D)(2) of this rule.

(E) Start construction limitation

The owner or operator of a new or modified air contaminant source(s) that qualifies for a general permit-to-install may not begin actual construction of the new or modified air contaminant source(s) until the air contaminant source(s)'s owner or operator has been granted the authorization required by the director under paragraph (D)(4) of this rule.

(F) Modification and/or replacement of equipment

- (1) If the owner or operator of the air contaminant source covered by a general permit-to-install wishes to replace the air contaminant source, then the owner or operator must apply for and obtain either a general permit-to-install or an individual permit-to-install prior to beginning actual construction.
- (2) If the owner or operator of the air contaminant source covered by a general permit-to-install wishes to modify the air contaminant source (per rule 3745-31-01 of the Administrative Code), then the owner or operator must apply for and obtain either a general permit-to-install or an individual permit-to-install prior to beginning actual construction.
- (3) If the owner or operator of the air contaminant source covered by a general permit-to-install wishes to administratively modify the air contaminant source, then the owner or operator must submit a request to the director, with supporting documentation, for that request.

(G) General permit termination

- (1) Any owner or operator who was issued a general permit-to-install may request to be excluded from the coverage of the general permit-to-install by applying for

an individual permit or alternative general permit-to-install. The owner or operator shall submit an application with reasons supporting the request. If the director issues an individual permit or alternative general permit-to-install, the applicability of the general permit-to-install to the individual permittee is automatically terminated on the effective date of the individual permit or alternative general permit-to-install.

- (2) The director may revoke a general permit-to-install per rule 3745-31-07 of the Administrative Code.

(H) Enforcement action for failure to qualify or comply

An air contaminant source(s)'s owner or operator who requests and is granted authority to install under a general permit-to-install shall be subject to enforcement action for installation without a permit if the air contaminant source(s) is later determined not to qualify for the conditions and terms of the general permit-to-install.

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Certification

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Date

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