3745-31-31 **Pollution control project.**

[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 the last paragraph of rule 3745-31-01 of the Administrative Code titled "Incorporation by reference."]

(A) Applicability procedures

This rule applies to any owner or operator undertaking a pollution control project (PCP).

(B) PCP exclusion procedural requirements

All PCPs must meet the provisions contained in this rule.

(1) Before an owner or operator begins actual construction of a PCP, the owner or operator must either submit a notice to the director if the project is listed under the PCP definition found in rule 3745-31-01 of the Administrative Code, or if the project is not listed under the PCP definition, then the owner or operator must submit a permit application and obtain approval to use the PCP exclusion from the director consistent with the requirements in paragraph (B)(5) of this rule. Regardless of whether the owner or operator submits a notice or a permit application, the project must meet the requirements in paragraph (B)(2) of this rule, and the notice or permit application must contain the information required in paragraph (B)(3) of this rule.

(2) Any NSR project that relies on the PCP exclusion must meet the requirements under this paragraph.

(a) Environmentally beneficial analysis

The environmental benefit from the emission reductions of pollutants regulated under the Clean Air Act must outweigh the environmental detriment of emissions increases in pollutants regulated under the Clean Air Act. A statement that a technology from a PCP is being used shall be presumed to satisfy this requirement.

(b) Air quality analysis

The emissions increases from the NSR project will not cause or contribute to a violation of any national ambient air quality standard or PSD increment, or adversely impact an air quality related value (such as visibility) that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

(3) Content of notice or permit application

In the notice or permit application sent to the director, the owner or operator must include, at a minimum, the information listed under paragraph (B)(3) of this rule.

(a) A description of the project.

(b) The potential emissions increases and decreases of any pollutant regulated under the Clean Air Act and the projected emissions increases and decreases using the major modification methodology in rule 3745-31-01 of the Administrative Code, that will result from the project, and a copy of the environmentally beneficial analysis required by paragraph (B)(2)(a) of this rule.

(c) A description of monitoring and recordkeeping, and all other methods, to be used on an ongoing basis to demonstrate that the project is environmentally beneficial. Methods should be sufficient to meet the requirements in Chapter 3745-77 of the Administrative Code.

(d) A certification that the project will be designed and operated in a manner that is consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required under paragraph (B)(2) of this rule, with information submitted in the notice or permit application, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(e) A demonstration that the PCP will not have an adverse air quality impact (e.g., modeling, screening level modeling results, or a statement that the collateral emissions increase is included within the parameters used in the most recent modeling exercise) as required by paragraph (B)(2)(b) of this rule. An air quality impact analysis is not required for any pollutant that will not experience a significant emissions increase as a result of the project.

(4) Notice process for listed projects

For projects listed under the PCP definition found in rule 3745-31-01 of the Administrative Code, the owner or operator may begin actual construction of the project immediately after notice is sent to the director. The owner or operator shall respond to any requests by the director for additional information that the director determines is necessary to evaluate the suitability of the project for the PCP exclusion.

(5) Permit process for unlisted projects

Before an owner or operator may begin actual construction of a PCP project that is not listed under the PCP definition found in rule 3745-31-01 of the Administrative Code, the project must be approved by the director and recorded in a permit-to-install or Title V permit. The permit-to-install shall be issued as a draft action per Chapter 3745-47 of the Administrative Code. The Title V permit shall be issued as an initial Title V or as a significant modification per Chapter 3745-77 of the Administrative Code.

(6) Operational requirements

Upon installation of the PCP, the owner or operator must comply with the requirements of paragraphs (B)(6)(a) to (B)(6)(c) of this rule.

(a) General duty

The owner or operator must operate the PCP in a manner consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required under paragraph (B)(2) of this rule, with information submitted in the notice or permit application required by paragraph (B)(3) of this rule, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(b) Recordkeeping

The owner or operator must maintain copies on site of the environmentally beneficial analysis, the air quality impacts analysis, and monitoring and other emission records to prove that the PCP operated consistent with the general duty requirements in paragraph (B)(6)(a) of this rule.

(c) Permit requirements

The owner or operator must comply with any provisions in the permit-to-install or Title V permit related to use and approval of the PCP exclusion.

(d) Generation of emission reduction credits

Emission reductions created by a PCP shall not be included in calculating a significant net emissions increase, or be used for generating offsets, unless the emissions unit further reduces emissions after qualifying for the PCP exclusion (e.g., taking an operational restriction on the hours of operation). The owner or operator may generate a credit for the difference between the level of reduction that was used to qualify for the PCP exclusion and the

new emission limitation if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

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