

3745-103-13      **Issuance of acid rain permits.**

[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 paragraph (C) of rule 3745-103-01 of the Administrative Code titled "Referenced materials."]

(A) State permit issuance.

- (1) The Ohio EPA shall be responsible for administering and enforcing acid rain permits effective in phase II for all affected sources:
  - (a) That are located in the geographic area covered by the operating permits program; and
  - (b) To the extent that the accepted state acid rain program is applicable.
- (2) In administering and enforcing acid rain permits, the Ohio EPA shall comply with the procedures for issuance, revision, renewal, and appeal of acid rain permits under this rule and rules 3745-103-14 to 3745-103-20 of the Administrative Code.

(B) Permit issuance deadline.

- (1) The Ohio EPA, to the extent that it is responsible under paragraph (A) of this rule as of December 31, 1997 (or such later date as the USEPA may establish) for administering and enforcing acid rain permits, shall:
  - (a) On or before December 31, 1997, issue an acid rain permit for phase II covering the affected units (other than opt-in sources) at each source in the geographic area for which the program is approved; provided that the designated representative of the source submitted a timely and complete acid rain permit application in accordance with rule 3745-103-06 of the Administrative Code.
  - (b) On or before January 1, 1999, for each unit subject to an acid rain NO<sub>x</sub> emission limitation, amend the acid rain permit under rule 3745-103-18 of the Administrative Code and add any NO<sub>x</sub> early election plan that was approved by the USEPA under rule 3745-103-60 of the Administrative Code and has not been terminated and reopen the acid rain permit and add any other acid rain program nitrogen oxides requirements; provided that the designated representative of the affected source submitted a timely and complete acid rain permit application for nitrogen oxides in accordance with rule 3745-103-06 of the Administrative Code.

- (2) Each acid rain permit issued in accordance with this rule shall have a term of five years commencing on the effective date; provided that, at the discretion of the Ohio EPA, an acid rain permit for phase II issued to a source may have a term of less than five years where necessary to coordinate the term of such permit with the term of an operating permit to be issued to the source under a state operating permit program. Each acid rain permit issued in accordance with paragraph (B)(1) of this rule shall take effect by the later of January 1, 2000, or, where the permit governs a unit under paragraph (A)(3) of rule 3745-103-02 of the Administrative Code, the deadline for monitor certification under 40 CFR Part 75.

Effective: 11/10/2011

R.C. 119.032 review dates: 08/24/2011 and 08/24/2016

CERTIFIED ELECTRONICALLY  
Certification

10/31/2011  
Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(E)  
Rule Amplifies: 3704.03(A), 3704.03(E)  
Prior Effective Dates: 9/10/97, 6/27/02, 1/12/07