

3745-14-03

**The NOx budget permitPermit requirements.**(A) General NOx budget ~~trading~~ program permit requirements.

- (1) ~~For each NOx budget source required to have a federally enforceable operating permit, such permit shall include a NOx budget permit administered by the director.~~The designated representative of a NOx budget source subject to this rule required to have a federally enforceable permit for the source shall submit an application for an operating permit or an application for a modification to an operating permit in accordance with Chapter 3745-77 of the Administrative Code (for sources subject to the Title V permit program) or an application for a permit-to-install and operate or an application for a modification to a permit-to-install and operate in accordance with Chapter 3745-31 of the Administrative Code (for sources not subject to the Title V permit program) for each subject NOx budget source, in accordance with the deadlines specified in paragraph (B)(1) of this rule.
  - (a) ~~For NOx budget sources required to have a Title V operating permit, the NOx budget portion of the Title V operating permit shall be administered in accordance with Chapter 3745-77 of the Administrative Code except as provided otherwise by this rule or rule 3745-14-09 of the Administrative Code.~~
  - (b) ~~For NOx budget sources required to have a non-Title V operating permit, the NOx budget portion of the non-Title V operating permit shall be administered in accordance with Chapter 3745-31 of the Administrative Code, except as provided otherwise by this rule or rule 3745-14-09 of the Administrative Code.~~
- (2) ~~Each NOx budget permit (including a draft or proposed NOx budget permit, if applicable) shall contain all applicable NOx budget trading program requirements and shall be a complete and segregable portion of the permit required under paragraph (A)(1) of this rule.~~The designated representative of a NOx budget source subject to this rule shall submit in a timely manner any supplemental information that the director determines is necessary in order to review a permit application and issue or deny a permit.
- (3) The owners and operators of each NOx budget source required to have a federally enforceable permit shall operate the source in compliance with such permit.
- (4) The owners and operators of a NOx budget source that is not otherwise required to have a federally enforceable permit are not required to submit a permit application, and to have a permit for such NOx budget source.

(B) Submission of ~~NOx budget~~ permit applications.

~~(1) The NOx authorized account representative of any NOx budget source required to have a federally enforceable operating permit shall submit to the director a complete NOx budget permit application by the applicable deadline in paragraph (B)(2) of this rule.~~

~~(2)~~(1) Application time.

(a) For NOx budget sources required to have a Title V operating permit:

(i) For any source, with one or more NOx budget units that commence operation before January 1, 2000, the ~~NOx authorized account~~designated representative shall submit a complete ~~NOx budget~~ permit application covering such NOx budget units to the director before May 1, 2003~~;~~.

(ii) For any source, with one or more NOx budget units that commence operation on or after January 1, 2000, the ~~NOx authorized account~~designated representative shall submit a complete ~~NOx budget~~ permit application covering such NOx budget unit to the director at least twelve months before the later of May 1, 2004 or the date on which the NOx budget unit commences operation.

(b) For NOx budget sources required to have a non-Title V operating permit:

(i) For any source, with one or more NOx budget units that commence operation before January 1, 2000, the ~~NOx authorized account~~designated representative shall submit a complete ~~NOx budget~~ permit application covering such NOx budget units to the director before May 1, 2003~~;~~.

(ii) For any source, with any NOx budget unit that commences operation on or after January 1, 2000, the ~~NOx authorized account~~designated representative shall submit a complete ~~NOx budget~~ permit application covering such NOx budget unit to the director at least twelve months before the later of May 1, 2004 or the date on which the NOx budget unit commences operation.

~~(3)~~(2) Duty to reapply.

(a) For a NOx budget source required to have a Title V operating permit, the ~~NOx authorized account~~designated representative shall submit a complete ~~NOx budget~~ permit renewal application for the NOx budget

source covering the NOx budget units at the source in accordance with Chapter 3745-77 of the Administrative Code.

- (b) For a NOx budget source required to have a non-Title V operating permit, the ~~NOx authorized account~~designated representative shall submit a complete ~~NOx budget~~ permit application for the NOx budget source covering the NOx budget units at the source in accordance with rule 3745-31-04 of the Administrative Code.

[Comment: Applications for sources not subject to Chapter 3745-77 of the Administrative Code submitted prior to June 30, 2008 were submitted in accordance with rule 3745-35-02 of the Administrative Code.]

(C) Information requirements for ~~NOx budget~~ permit applications.

- (1) A complete ~~NOx budget~~ permit application for a NOx budget source shall include all of the following elements concerning the NOx budget source for which the application is submitted, in a format prescribed by the director:

- (a) Identification of the NOx budget source, including plant name and the ORIS (office of regulatory information systems) or facility code assigned to the source by the United States energy information administration, or a facility code assigned to the source by the administrator~~;~~.
- (b) Identification of each NOx budget unit at the NOx budget source ~~and whether it is a NOx budget unit under paragraph (C)(1) of rule 3745-14-01 or rule 3745-14-09 of the Administrative Code;~~.
- (c) The standard requirements under paragraphs ~~(E)~~(D)(3) and (D)(4) of rule 3745-14-01 of the Administrative Code~~; and~~.
- (d) ~~For each NOx budget opt-in unit at the NOx budget source, the following certification statements by the NOx authorized account representative:~~
- (i) ~~"I certify that each unit for which this permit application is submitted under rule 3745-14-09 of the Administrative Code is not a NOx budget unit under paragraph (C)(1) of rule 3745-14-01 of the Administrative Code and is not covered by an exemption under paragraph (C)(2) or (D) of rule 3745-14-01 of the Administrative Code that is in effect."~~
- (ii) If the application is for an initial NOx budget opt-in permit,

~~"I certify that each unit for which this permit application is submitted under rule 3745-14-09 of the Administrative Code is currently operating, as that term is defined under paragraph (B)(2) of rule 3745-14-01 of the Administrative Code."~~

(D) ~~NOx budget permit~~Permit contents.

- (1) Each ~~NOx budget permit~~ (including any draft or proposed ~~NOx budget permit~~, if applicable) shall contain, in a format prescribed by the director, all elements required for a complete ~~NOx budget permit~~ application under paragraph (C) of this rule.
- (2) Each ~~NOx budget permit~~ is deemed to incorporate automatically the definitions of terms under paragraph (B) of rule 3745-14-01 of the Administrative Code ~~and, upon recordation by the Administrator, in accordance with rules 3745-14-06 and 3745-14-07 of the Administrative Code, every allocation, transfer, or deduction of a NOx allowance to or from the compliance accounts of the NOx budget units covered by the permit or the overdraft account of the NOx budget source covered by the permit.~~

(E) ~~NOx budget permit~~Permit revisions.

- (1) For a NOx budget source with a Title V operating permit, ~~except as provided in paragraph (D)(2) of this rule,~~ the director shall revise the ~~NOx budget permit~~, as necessary, in accordance with rule 3745-77-08 of the Administrative Code.
- (2) For a NOx budget source with a non-Title V operating permit, ~~except as provided in paragraph (D)(2) of this rule,~~ the director shall revise the ~~NOx budget permit~~, as necessary, in accordance with rule 3745-31-04 of the Administrative Code.

[Comment: Applications for sources not subject to Chapter 3745-77 of the Administrative Code submitted prior to June 30, 2008 were submitted in accordance with rule 3745-35-02 of the Administrative Code.]

Effective:

Five Year Review (FYR) Dates: 11/17/2019

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Certification

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Date

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