

**3745-31-19 Attainment provisions - notice to the United States
environmental protection agency.**

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (LLLLL) of rule 3745-31-01 of the Administrative Code titled, "referenced materials."]

(A) Applicability.

This rule applies to any major stationary source or major modification that is to be constructed in an area designated in 40 CFR 81.336 as attainment for an air pollutant for which the major stationary source or major modification is major.

(B) Notice to the United States environmental protection agency.

The director shall, upon request, transmit to the regional administrator of the United States environmental protection agency a copy of each permit application relating to a major stationary source or major modification subject to this rule and provide notice to the administrator of every action related to the consideration of such permit.

(C) Denial-impact on air quality-related values.

The director shall consider comments from a federal land manager concerning the impact of a proposed major stationary source or major modification on such lands, including a demonstration that the emissions from the proposed major stationary source or major modification would have an adverse impact on the air quality, including visibility, of any federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such major stationary source or major modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the director concurs with such demonstration, the permit shall not be issued.

(D) Class I variances.

The owner or operator of a proposed major stationary source or major modification shall demonstrate to the federal land manager that the emissions from such major stationary source or major modification would have no adverse impact on the air quality of such lands, including visibility, notwithstanding that the change in air quality resulting from emissions from such major stationary source or major modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with such demonstration and so certifies to the state, the director may, provided that applicable requirements are otherwise met, issue the permit with emission limitations necessary to assure that emissions of sulfur dioxide and particulate matter would not exceed the maximum allowable increases over baseline concentration for such air pollutant as detailed in the

following table:

Air pollutant	Maximum allowable increase (micrograms per cubic meter)
PM2.5	
annual arithmetic mean	4
twenty-four-hour maximum	9
PM10	
annual arithmetic mean	17
twenty-four-hour maximum	30
Sulfur dioxide	
annual arithmetic mean	20
twenty-four-hour maximum	91
three-hour maximum	325
Nitrogen dioxide	
arithmetic mean	25

(E) Sulfur dioxide variance by governor with federal land manager's concurrence.

- (1) The owner or operator of a proposed major stationary source or major modification that cannot be approved under procedures developed pursuant to paragraph (D) of this rule may demonstrate to the governor that the major stationary source or major modification cannot be approved by reason of any maximum allowable increase for sulfur dioxide for periods of twenty-four hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality of the area, including visibility.
- (2) The governor, after consideration of the federal land manager's recommendation, if any, and subject to his concurrence may grant, after notice and an opportunity for a public hearing, a variance from such maximum allowable increase; and
- (3) If such variance is granted, the director may issue a permit to such major stationary source or major modification in accordance with provisions developed pursuant to paragraph (G) of this rule provided that the applicable requirements of this chapter are otherwise met.

(F) Variance by the governor with the president's concurrence.

- (1) The recommendations of the governor and the federal land manager shall be transferred to the president of the United States in any case where the governor recommends a variance in which the federal land manager does not concur;
- (2) The president may approve the governor's recommendation if the president

finds that such variance is in the national interest; and

- (3) If such variance is approved, the director may issue a permit to such major stationary source or major modification in accordance with provisions developed pursuant to paragraph (G) of this rule provided that the applicable requirements of this chapter are otherwise met.

(G) Emissions limitations for presidential or gubernatorial variance.

In the case of a permit issued under procedures developed pursuant to paragraph (E) or (F) of this rule, the stationary source or modification shall comply with emission limitations as may be necessary to assure that emissions of sulfur dioxide from the stationary source or modification would not, during any day on which the otherwise applicable maximum allow increases are exceeded, cause or contribute to concentrations that would exceed the maximum allowable increases over the baseline concentration, as defined in the following table, and to assure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four hours or less for more than eighteen days, not necessarily consecutive, during any annual period:

	Maximum Allowable Sulfur Dioxide Increase (Micrograms per Cubic Meter)	
Period of Exposure	Low Terrain	High Terrain
twenty-four-hour maximum	36	62
three-hour maximum	130	221

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