

3745-31-27 Nonattainment provisions - administrative procedures for emission offsets.

[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 entitled, "referenced materials."]

(A) Procedures for emission offsets.

Emission offsets may be proposed by either the owner or operator of the proposed major stationary source or by the local community or the state. The emission reduction committed to must be enforceable by authorized state or local agencies and under the Clean Air Act, and must be accomplished by the new major stationary source's start-up date. If emission reductions are to be obtained in a state that neighbors the state in which the new major stationary source is to be located, the emission reductions committed to must be enforceable by the neighboring state and/or local agencies and under the Clean Air Act. Where the new major stationary source is a replacement for a major stationary source that is being shut down in order to provide the necessary offsets, the director may allow up to one hundred eighty days for shakedown of the new major stationary source before the existing major stationary source is required to cease operation.

(1) Major stationary source initiated emission offsets.

The owner or operator of a major stationary source may propose emission offsets that involve the following:

- (a) Reductions from stationary sources controlled by the major stationary source owner or operator (internal emission offsets).
- (b) Reductions from neighboring stationary sources (external emission offsets). The owner or operator of the major stationary source does not have to investigate all possible emission offsets. As long as the emission offsets obtained represent reasonable progress toward attainment (in the director's judgement), they will be acceptable to the director. The director shall review and approve the emission offsets to assure that the emission offsets will be as effective as proposed by the owner or operator of the major stationary source. An internal emission offset will be considered enforceable if it is made an Ohio state implementation plan requirement by inclusion as a condition of the new major stationary source permit and the permit is forwarded to the United States environmental protection agency. An external emission offset will not be enforceable unless the affected stationary source providing the emission reductions is subject to a new Ohio state implementation plan requirement or federally enforceable permit condition or a permit condition legally and practicably enforceable by the state to ensure that its emissions will be reduced by a specified amount in a specified time.

- (2) State or community initiated offsets. A state or community may generate emission offsets to provide to a major stationary source wishing to locate in its area. These emission offsets may come from reducing emissions from existing emissions units, mobile sources or area sources. State or community initiated offsets either must be submitted as a Ohio state implementation plan revision or must be contained in a federally enforceable permit.

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