

TO BE RESCINDED

3745-35-08 **General permit-to-operate.**

[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 "Incorporation by Reference" section at the end of rule 3745-35-01 of the Administrative Code.]

(A) Development of model general permits

The director may develop a model general permit for any category of air contamination sources, or specific portions of any category of air contamination sources, subject to the following conditions:

- (1) A model general permit shall apply to:
 - (a) Processes producing the same or similar products;
 - (b) Processes emitting the same or similar air contaminants;
 - (c) Methods for capturing and controlling the air contaminants that are the same or limited to a small number of specific alternatives; and
 - (d) Processes that are subject to the same emissions limitations, monitoring requirements, federal standards, or state rules.
- (2) A model general permit shall identify criteria by which an air contaminant source(s) may qualify for the associated general permit and shall include terms and conditions under which the owner or operator agrees operate the permitted air contaminant source(s). At a minimum, these terms and conditions shall include:
 - (a) Applicable emissions limitations and/or control requirements;
 - (b) Any necessary operational restrictions;
 - (c) Any necessary monitoring, reporting and recordkeeping requirements; and
 - (d) Testing requirements.
- (3) The director shall provide an opportunity for public comment on the form and content of a model general permit as follows:

- (a) The director shall announce availability for comment on draft model general permits under development containing the requirements in paragraph (A)(2) of this rule, providing a minimum of thirty days comment period. The director shall publish notice in Ohio's major newspapers, the Ohio environmental protection agency publication, "Weekly Review," on the Ohio environmental protection agency website, and provide electronic notification to interested parties.
 - (b) The director shall announce the final form of model general permits that were under development by publishing notice in Ohio's major newspapers, the "Weekly Review," on the Ohio environmental protection agency website, and provide electronic notification to interested parties.
 - (c) Final model general permits are not actions of the director and are, therefore, not subject to appeal.
- (4) Model general permits shall be reviewed at least once every five years from the date of announcement of the final form.
- (a) The review of the model general permit shall follow the same procedures for public comment as the draft and final form of the model general permits under development pursuant to paragraph (A)(3) of this rule.
 - (b) Any person may make a written request for Ohio environmental protection agency review of the model general permit document prior to the Ohio environmental protection agency initiated review. Upon receipt of the request, the Ohio environmental protection agency will initiate the review procedure described in this rule.
- (5) Only the director may modify model general permits. Modifications to model general permits shall follow the same procedures pursuant to paragraph (A)(3) of this rule, except administrative modifications may occur without following the rules of procedure contained within this chapter. Existing final general permits are not affected by changes to the model general permit.

(B) General permit-to-operate applicability

A general permit-to-operate may be applied for and obtained if:

- (1) All of the qualifications and requirements described in this chapter are met, except as noted in paragraph (C)(2) of this rule;

- (2) The air contaminant source meets all of the qualifications listed in the requested model general permit;
- (3) The requested air contaminant source(s) are not affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the Clean Air Act; and
- (4) The requested air contaminant source is not part of a new major stationary source or major modification subject to the attainment or nonattainment provisions contained in rules 3745-31-10 to 3745-31-27 of the Administrative Code.

(C) General permit application

- (1) Owners or operators of air contaminant sources requesting a general permit-to-operate shall do so using the forms prepared by the Ohio environmental protection agency. The application must include all information necessary to determine qualification for, and to assure compliance with, the general permit-to-operate.
- (2) The applications submitted shall comply with the requirements listed under paragraph (B) of rule 3745-35-02 and paragraph (D) of rule 3745-35-03 of the Administrative Code except that the director may provide, in the model general permit-to-operate, for applications that deviate from the requirements of paragraph (B) of rule 3745-35-02 and paragraph (D) of rule 3745-35-03 of the Administrative Code, provided that such applications include all information necessary to determine qualification for, and assure compliance with, the general permit-to-operate.

(D) General permit processing

The director may issue a general permit-to-operate for any model general permit developed in accordance with paragraph (A) of this rule for a new air contaminant source(s) or modification(s) of an existing air contaminant source(s) as follows:

- (1) The director, at his discretion, shall issue either a draft action or a final action.
- (2) The director shall comply with the procedures for notification under Chapter 3745-47 of the Administrative Code prior to issuing a general permit-to-operate as follows:

- (a) The director shall provide notification of requests by owners or operators of an air contaminant source(s) to be covered under the terms of the general permit-to-operate. The director shall publish notice in a newspaper of general circulation in each county in which the air contaminant source(s) was constructed, and provide electronic notification to interested parties.
 - (b) The director shall maintain, and make available to the public upon request, a list of all air contaminant source(s) that have obtained a general permit-to-operate.
 - (3) The director may require any applicant applying for a general permit-to-operate to apply for and obtain an individual permit if it is determined that unique site specific circumstances warrant additional limitations or permit conditions to control or mitigate environmental impacts that were not considered and addressed in the development and issuance of the general permit-to-operate.
 - (4) Authorization to operate under the general permit-to-operate shall be granted by the director in the form of a final permit action.
 - (5) If the model general permit that was the basis of any final general permit-to-operate has been changed per the procedures in paragraph (A)(3) of this rule, then the director can issue revised general permits-to-operate with prior notice to the affected owner or operator following the issuance procedures defined in paragraph (D)(2) of this rule.
- (E) A general permit-to-operate shall be effective for a fixed term not to exceed five years.
- (F) General permit termination
- (1) Any owner or operator who was issued a general permit-to-operate may request to be excluded from the coverage of the general permit-to-operate by applying for an individual permit or alternative general permit-to-operate. The owner or operator shall submit an application with reasons supporting the request. If the director issues an individual permit or alternative general permit-to-operate, the applicability of the general permit-to-operate to the individual permittee is automatically terminated on the effective date of the individual permit or alternative general permit-to-operate.
 - (2) The director may revoke a general permit-to-operate per paragraph (F) of rule 3745-35-02 of the Administrative Code.

(G) Enforcement action for failure to qualify or comply

An air contaminant source(s)'s owner or operator who requests and is granted authority to operate under a general permit-to-operate shall be subject to enforcement action for operating without a permit if the air contaminant source(s) is later determined not to qualify for the conditions and terms of the general permit-to-operate.

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CERTIFIED ELECTRONICALLY

Certification

06/02/2008

Date

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