

3745-77-02 **Prohibition and applicability.**

[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 (SS) of rule 3745-77-01 of the Administrative Code titled "Referenced materials."]

(A) Prohibitions.

Except as provided in paragraph (H)(1)(a) of rule 3745-77-07, and paragraphs (C)(1)(f) and (C)(2)(e) of rule 3745-77-08 of the Administrative Code and in the following sentence, the owner or operator of a Title V source shall not operate such source after the date that a timely and complete Title V permit application is required to be submitted under this chapter, except in compliance with a permit issued under this chapter. If the owner or operator of a Title V source submits a timely and complete application for permit issuance or renewal, the failure to have a Title V permit is not a violation of this chapter until the director takes final action on the application. This protection shall cease to apply upon the effectiveness of the director's final determination that the application is not complete pursuant to paragraphs (A) and (B) of rule 3745-77-05 of the Administrative Code.

(B) Title V sources. The following sources are subject to the permitting requirements under this chapter unless they are exempted under paragraph (C) of this rule:

- (1) Any major source;
- (2) Any source, including an area source, subject to a standard or other requirement under Section 111 of the act;
- (3) Any source, including an area source, subject to a standard or other requirement under Section 112 of the act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the act;
- (4) Any affected source; and
- (5) Any source in a source category designated by the administrator pursuant to 40 CFR Part 70.3.

(C) Exemptions.

- (1) All sources listed in paragraph (B) of this rule that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the act, are exempt from the obligation to obtain a Title V permit unless required to do so under rules promulgated by the administrator.

- (2) In the case of nonmajor sources subject to a standard or other requirement promulgated under either Section 111 or 112 of the act after July 21, 1992, such nonmajor sources shall become subject to the Title V permitting requirements if so required by the standard or other requirement adopted by the administrator.
- (3) Sources in the following source categories are exempted from the obligation to obtain a Title V permit under these rules:
 - (a) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA - "Standards of Performance for New Residential Wood Heaters;" and
 - (b) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M - "National Emission Standard for Hazardous Air Pollutants for Asbestos;" 40 CFR 61.145 "Standard for Demolition and Renovation."
 - (c) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 63, Subpart M - "Perchloroethylene Dry Cleaning."
 - (d) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 63, Subpart N - "Hard and Decorative Chromium Electroplating and Chromium Anodizing."
 - (e) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 63, Subpart O - "Commercial Ethylene Oxide Sterilization."
 - (f) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 63, Subpart T - "Halogenated Solvent Cleaning."
 - (g) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 63, Subpart RRR - "Secondary Aluminum Production."
- (4) Synthetic minor sources. Synthetic minor sources are exempted from the requirement for a Title V permit and all other requirements of this chapter.

(D) Opt-in sources.

The owner or operator of a source that is not a Title V source under paragraph (B) of this rule may choose to have the source permitted under the provisions of this chapter by submitting an application for a Title V permit. The permit application

shall be processed in the same manner as permit applications for non-exempt Title V sources.

(E) Emissions units and Title V sources.

(1) The federally enforceable portion of the permit shall include all applicable requirements for all relevant emissions units at the major source as specified in paragraph (A) of rule 3745-77-07 of the Administrative Code.

(2) For any non major source subject to this rule, the director shall include in the permit all requirements applicable to emissions units that cause the source to be subject to a Title V permit.

(F) Fugitive emissions. Fugitive emissions information from a Title V source shall be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(G) Insignificant activities and emissions levels. Insignificant activities and emissions levels shall be exempted from the permit application requirements of this rule except for research and development emission units whose emission levels exceed the requirements specified in paragraph (X)(1) or (X)(3) of rule 3745-77-01 of the Administrative Code, provided that insignificant emission activities that are exempted because of size or production rate shall be identified in the permit application. Nothing in this paragraph shall affect the determination of whether a stationary source is a major source.

(H) Applicability determinations. Upon written request of a Title V permit applicant, the director shall make a determination of the applicability or inapplicability of any provision or class of requirements under the act to an emissions unit or stationary source and shall include that determination or a concise summary of it in the applicant's Title V permit.

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