

3745-77-04 **Transition and application filing dates.**

[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) Compliance with existing permits.

Prior to the issuance or denial of the initial Title V permit, the owner or operator of a source for which a timely and complete Title V permit application has been filed pursuant to this rule and rule 3745-77-05 of the Administrative Code shall continue to comply with all effective terms and conditions of permit-to-install, permits-to-install and operate and permits-to-operate that were issued to one or more emissions units at such source in accordance with present or former Chapter 3745-31 or former Chapter 3745-35 of the Administrative Code. The filing of a timely and complete Title V permit application shall have the same effect as filing an application for a renewal of a permit-to-install and operate for purposes of section 119.06 of the Revised Code.

(B) Initial application filing and processing.

Sources required to obtain a Title V permit shall submit an application no later than the date specified below based on the location of the source:

- (1) Sources that are located within the areas identified in appendix A to this rule shall file an application in accordance with rule 3745-77-03 of the Administrative Code by no later than sixty days after approval of the Title V permit program.
- (2) Sources that are located within the areas identified in appendix B to this rule shall file an application in accordance with rule 3745-77-03 of the Administrative Code by no earlier than sixty-one days after approval of the Title V permit program and no later than one hundred eighty days after approval of the Title V permit program.
- (3) Sources that are located within the areas identified in appendix C to this rule shall file an application in accordance with rule 3745-77-03 of the Administrative Code by no earlier than one hundred eighty-one days after approval of the Title V permit program and no later than three hundred sixty-five days after approval of the Title V permit program.
- (4) Sources subject to paragraph (B)(1) or (B)(2) of this rule may submit a request at least forty-five days prior to the Title V permit application submittal deadline and request up to a ninety day extension of time to submit a Title V permit

application. The director shall act on the request within thirty days or the request will automatically be approved.

- (5) Sources within the jurisdiction of the same local air pollution control agency or district office may, by mutual consent of the director and the owners or operators of the sources involved, trade the deadline dates for the submission of initial Title V permit applications under this paragraph.
- (C) Notwithstanding the provisions of paragraph (B) of this rule, no initial Title V permit application shall be due less than one year after the effective date of this rule.
- (D) A timely application for a source applying for a Title V permit for the first time, other than a source required to file under paragraph (B) of this rule, is one that is submitted within twelve months after the source becomes subject to the Title V permit program. Sources required to have a preconstruction permit under Part C or Part D of Title I of the act shall submit a complete Title V permit application within twelve months after commencing operation, provided that where an existing Title V permit would prohibit construction or operation of such new or modified source, a Title V permit revision must be obtained before operation of such new or modified source.
- (E) Title V permit renewal applications shall be filed no earlier than eighteen months and no later than six months prior to the expiration of the Title V permit.
- (F) Applications for initial phase II acid rain permits shall be submitted to the director by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.
- (G) An owner or operator of a Title V source required to meet the requirements of Section 112(g) of the act shall file a Title V permit application within twelve months after commencing operation of a modification subject to that section.
- (H) An application filed by the appropriate due date in this rule, and, where necessary, supplemented in accordance with rule 3745-77-05 of the Administrative Code, shall be deemed timely.

Effective: 02/14/2010

R.C. 119.032 review dates: 11/23/2009 and 02/14/2015

CERTIFIED ELECTRONICALLY
Certification

02/03/2010
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E), 3704.03(G), 3704.03(X), 3704.036
Rule Amplifies: 3704.036
Prior Effective Dates: 4/20/94