

3745-77-10      **State law 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) General authority for state only permit terms and conditions.

The director shall have authority to include in Title V permits any terms and conditions that are authorized by Ohio law, including terms and conditions that are consistent with the requirements of Chapters 3745-31 of the Administrative Code that would be applicable in the absence of the Title V permit program. Such terms and conditions shall be "state only" requirements. The director shall prescribe the manner and form for the inclusion of such information in Title V permit applications submitted pursuant to this chapter as is necessary to implement state only requirements applicable to one or more emissions units at a Title V source.

(B) Separation of state only and federally enforceable permit terms and conditions.

Terms and conditions of a Title V permit that are imposed pursuant to state law only shall be identified in the permit as not federally enforceable and shall be differentiated from federally enforceable permit terms and conditions that are required under the act or any applicable requirements. Notwithstanding the separation of state only and federally enforceable terms and conditions in a Title V permit, all federally enforceable terms and conditions in a Title V permit shall be enforceable by the director as well as by the administrator.

(C) Revision of state only permit terms and conditions.

The director may modify or eliminate any state only terms and conditions of a Title V permit in accordance with the same procedures applicable to the modification or elimination of terms and conditions in a permit-to-install or permit-to-install and operate (PTIO) pursuant to Chapter 3745-31 of the Administrative Code, provided that such modification or elimination does not result in a Title I modification and does not cause the source to become subject to an applicable requirement or violate any federally enforceable term or condition in the Title V permit. Nothing in this paragraph shall affect the applicability of the notification and recordkeeping requirements of paragraph (I) of rule 3745-77-07 of the Administrative Code.

(D) Violation of state only permit terms and conditions.

No person shall violate any state only term or condition of a Title V permit. Any violation of any state only term or condition of a Title V permit shall be a violation of division (J)(2) of section 3704.05 of the Revised Code. The director may suspend

or revoke the state only authority to operate one or more emissions units subject to a Title V permit consistent with paragraph (B) of rule 3745-31-07 of the Administrative Code. No person shall operate an emissions unit after the effective date of a final suspension or revocation of the applicable state only portion of a Title V permit.

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