3745-31-05 Criteria for decision by the director.

(A) The director shall issue a permit to install or a plan approval, on the basis of the information appearing in the application, or information gathered by or furnished to the Ohio environmental protection agency, or both, if he determines that the installation or modification and operation of the air contaminant source, solid waste disposal facility, water pollution source, disposal system, land application of sludge, or public water system will:

(1) Not prevent or interfere with the attainment or maintenance of applicable ambient water quality standards or ambient air quality standards; and

(2) Not result in a violation of any applicable laws, including but not limited to:

(a) Effluent standards adopted by the director or the administrator of the United States environmental protection agency;

(b) Emission standards adopted by the Ohio EPA;

(c) Federal standards of performance for new stationary sources adopted by the administrator of the United States environmental protection agency pursuant to section 111 of the Clean Air Act and the regulations promulgated thereunder;

(d) Requirements regarding non-attainment areas, as defined in section 171 et seq. of the Clean Air Act and the regulations promulgated thereunder inlcuding:

(i) Section 173 of the Clean Air Act and the regulations promulgated thereunder;

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(ii) The emission offset policy, designated as "Appendix S," as promulgated at 51.18 Code of Federal Regulations;

(iii) Section 172(b)(ii)(A) of the Clean Air Act, which must be satisfied in the case of affected sources of organic compounds and carbon monoxide, which are planning to locate in those counties that require an extension beyond December 31, 1982, to achieve the "National Ambient Air Quality Standards."

(e) "National Emission Standards for Hazardous Air Pollutants" adopted by the administrator of the United States environmental protection agency pursuant to section 112 of the Clean Air Act and the regulations promulgated thereunder;

(f) Requirements regarding prevention of significant deterioration, as defined in section 160 et seq. of the Clean Air Act and the regulations promulgated thereunder;

(3) Employ the best available technology, except when the only requirement to obtain a permit to install is due to a modification as described in paragraph ~~(I)~~ (J)(1)(b) of rule 3745-31-01 of the Administrative Code.

(B) IN DETERMINING WHETHER TO GRANT OR DENY A CHANGE IN THE AUTHORIZED MAXIMUM DAILY WASTE RECEIPT FOR A SOLID WASTE DISPOSAL FACILITY, THE DIRECTOR SHALL REQUIRE THE OWNER OR OPERATOR TO DEMONSTRATE THAT THE SOLID WASTE FACILITY CAN OPERATE IN COMPLIANCE WITH ALL APPLICABLE SOLID WASTE REGULATIONS WHILE RECEIVING THE REQUESTED MAXIMUM DAILY WASTE

RECEIPT. AN ADEQUATE DEMONSTRATION INCLUDES, BUT IS NOT LIMITED TO, AN EXPLANATION OF THE OVERALL SITE DESIGN INCLUDING CONSTRUCTION TIMEFRAMES AND FILL SEQUENCES FOR THE SOLID WASTE FACILITY; OPERATIONAL CRITERIA SUCH AS THE SOLID WASTE FACILITY'S EQUIPMENT AVAILABILITY, COVER AVAILABILITY AND MANPOWER; AND IF APPLICABLE, THE OWNER'S PREVIOUS COMPLIANCE HISTORY THROUGHOUT THE LIFE OF THE SOLID WASTE FACILITY AND THE DAILY LOGS FOR THE PERIOD THAT THE SOLID WASTE FACILITY WAS OUT OF COMPLIANCE.

{B} (C) In deciding whether to grant or deny a permit to install or plan approval, the director may take into consideration the social and economic impact of the air contaminants, water pollutants, or other adverse environmental impact that may be a consequence of issuance of the permit to install or plan approval.

{C} (D) The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.

{B} (E) Within one hundred eighty days after a completed application is filed, the director shall issue or propose to issue or deny a permit to install or plan approval, and such action shall be in accordance with Chapter 3745-47 of the Administrative Code.

Effective Date: JUN 12 1989

Certification: Richard L. Shank

MAY 26 1989
(Date)

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