

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 INCLUDING:
 - (i) SECTION 173 OF THE CLEAN AIR ACT AND THE REGULATIONS PROMULGATED THEREUNDER;
 - (ii) THE EMISSION OFFSET POLICY, DESIGNATED AS "APPENDIX S," AS PROMULGATED AT 51.08 CODE OF FEDERAL REGULATIONS;
 - (iii) SECTION 172(b)(1)(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 ~~SUB~~ PARAGRAPH (H)(1)(b) OF RULE 3745-31-01 OF THE ADMINISTRATIVE CODE.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Dirac Davis Date: 6/30/82

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- (B) 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) 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.
- (D) 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.

Replaces: 3745-31-05

Certification: Wayne S. Nichols

Date: JUN 30 1982

Promulgated under: RC 119
Rule amplifies: RC 3704., 3734., 6111.
Prior effective date: 1/1/74, 12/7/78

eff. 8/15/82

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By: David Davis Date 6/30/82

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