3745-31-10 **Air stationary source obligations.**

(A) Compliance with other requirements

The approval to construct under this chapter shall not relieve any owner or operator of a stationary source of the responsibility to comply fully with applicable provisions of this chapter and any other requirements under local, state or federal law.

(B) Relaxation of enforceable limitations

At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation established after August 7, 1980, on the capacity of the stationary source or modification otherwise to emit an air pollutant, such as a restriction on hours of operation, the requirements of rules 3745-31-10 to rule 3745-31-27 and 3745-31-30 to 3745-31-32 of the Administrative Code shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

(C) The following provisions apply to NSR projects at existing emissions units at a major stationary source (other than NSR projects at a clean unit or at a stationary source with a PAL) in circumstances where there is a reasonable possibility that a NSR project that is not part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraph (ZZZZ) of rule 3745-31-01 of the Administrative Code for calculating projected actual emissions.

(1) Before beginning actual construction of the NSR project, the owner or operator shall document and maintain a record of the following information:

(a) A description of the NSR project;

(b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the NSR project; and

(c) A description of the applicability test used to determine that the NSR project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of "could have accommodated" emissions excluded under paragraph (ZZZZ)(1)(c) of rule 3745-31-01 of the Administrative Code and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(2) Before beginning actual construction, regardless of whether the owner or operator determines there is a reasonable possibility that a NSR project that is

not part of a major modification may result in a significant emissions increase, the owner or operator shall provide a copy of the information set out in paragraph (C)(1) of this rule to the director for:

(a) New or modified emissions units where the sum of the federally enforceable potential to emit of the new or modified emissions units associated with the NSR project prior to the issuance of the NSR project's permit to install is greater than any one of the significant levels found in the significant definition of rule 3745-31-01 of the Administrative Code.

(b) Any emissions unit that is an existing electric utility steam generating unit.

(c) Unless required elsewhere in this rule, nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the director before beginning actual construction.

(3) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the NSR project and that is emitted by any emissions units identified in paragraph (C)(1)(b) of this rule; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the NSR project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

(4) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the director within sixty days after the end of each year during which records must be generated under paragraph (C)(3) of this rule setting out the unit's annual emissions during the year that preceded submission of the report.

(5) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the director if the annual emissions, in tons per year, from the NSR project identified in paragraph (C)(1) of this rule, exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (C)(1)(c) of this rule, by a significant amount for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (C)(1)(c) of this rule. Such report shall be submitted to the director within 60 days after the end of such year. The report shall contain the following:

(a) The name, address and telephone number of the major stationary source;

(b) The annual emissions as calculated pursuant to paragraph (C)(3) of this rule; and

(c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(D) The owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph (C) of this rule available for review upon request.

(E) If any provision of rules 3745-31-10 to 3745-31-32 of the Administrative Code or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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