

3745-31-21 **Nonattainment provisions - review of major stationary sources and major modifications - stationary source applicability and exemptions.**

[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 "Incorporation by Reference" at the end of rule 3745-31-01 of the Administrative Code.]

(A) Start construction limitation

No owner or operator of a major stationary source or major modification located in a nonattainment area shall begin actual construction of such major stationary source or major modification unless, as a minimum, the requirements in rules 3745-31-21 to 3745-31-27 of the Administrative Code have been met and the owner or operator of the stationary source has obtained a valid Ohio EPA permit to install.

(B) Air pollutants covered

The requirements contained in rules 3745-31-21 to 3745-31-27 of the Administrative Code shall apply to any major stationary source and any major modification with respect to each regulated NSR pollutant that the stationary source would emit, except as this rule would otherwise allow.

(C) Attainment/non attainment applicability

Except as provided in rule 3745-31-21 of the Administrative Code, the requirements contained in rules 3745-31-21 to 3745-31-27 of the Administrative Code apply only to any major stationary source or major modification that would be constructed in an area designated under 40 CFR 81.336 as nonattainment for an air pollutant for which the stationary source or modification is major.

(D) PM-10 precursors

In accordance with the requirements of Section 189 of the Clean Air Act, major stationary sources of PM-10 precursors shall be subject to the control requirements that are applicable under plans in effect under Section 189 of the Clean Air Act for major stationary sources of PM-10, except where the director determines that such major stationary sources do not contribute significantly to PM-10 levels that exceed the standard in the area.

(E) Clean coal technology

Consistent with the Clean Air Act, Ohio EPA will apply the following requirements for clean coal technology demonstrations:

(1) Applicability

This paragraph applies to physical or operation changes to existing facilities for the sole purpose of installation, operation, cessation, or removal of a temporary or permanent clean coal technology demonstration project.

(2) Temporary clean coal technology demonstration projects

Installation, operation, cessation, or removal of a temporary clean coal technology demonstration project shall not subject such demonstration project to the requirements of Section 111 or Part D of Title I of the Clean Air Act.

(3) Permanent clean coal technology demonstration projects

For permanent clean coal technology demonstration projects that constitute repowering, as defined in Section 402(12) of Title IV, (acid deposition control) of the Clean Air Act, any qualifying clean coal technology demonstration project shall not be subject to standards of performance under Section 111 of the Clean Air Act or to the review and permitting requirements of Part C of Title I of the Clean Air Act for any air pollutant the potential emissions of which will not increase as a result of the clean coal technology demonstration project.

(4) Exemption for reactivation of very clean units

Physical changes or changes in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation shall not subject the emissions unit to the requirements of Section 111 or Part C of Title I of the Clean Air Act where the emissions unit:

- (a) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such emissions unit continue to be carried in the director's emissions inventory at the time of enactment;
- (b) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five per cent and a removal efficiency for particulates of no less than ninety-eight per cent;
- (c) Is equipped with low-NO_x burners prior to the time of commencement; and
- (d) Is otherwise in compliance with the requirements of the Clean Air Act.

(F) Secondary emissions

If a major stationary source is subject to this rule on the basis of the direct emissions from the major stationary source, the applicable conditions of this rule must also be met for secondary emissions. However, secondary emissions may be exempt from lowest achievable emission rate requirements and compliance certification requirements under paragraphs (A)(1) and (A)(2) of rule 3745-31-22 of the Administrative Code. Consideration of the indirect impacts of motor vehicles and aircraft traffic regulated under Title II of the Clean Air Act (motor vehicles and aircraft) is not required under this rule.

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Certification

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Date

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