

Nonattainment provisions - conditions for approval.(A) Conditions for permit to *install* approval.

If the director finds that a *major stationary source* or *major modification* for which a permit to *install* application has been submitted would be constructed in an area designated in 40 CFR 81.336 et seq as nonattainment for an air pollutant for which the *major stationary source* or *major modification* is major, approval may be granted only if the following conditions are met:

(1) *Lowest achievable emission rate*

The *major stationary source* or *major modification* is required to meet an emission limitation that specifies the *lowest achievable emission rate* for such *stationary source*.

If the director determines that technological or economic limitations on the application of measurement methodology to a particular class of *stationary sources* would make the imposition of an enforceable numerical emission standard infeasible, the director may instead prescribe a design, operational, or equipment standard. Any permits issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained (or that the operational conditions will be properly performed) so as to continuously achieve the assumed degree of control.

The *lowest achievable emission rate* is required only for those major nonattainment air pollutants for which the increased *allowable emissions* exceed the *significant* emission rates, although the director may choose to require lowest achievable emissions rate for air pollutants that do not exceed these values.

The new emission limitations for the new *stationary source* as well as any existing *stationary sources* affected must be *federally enforceable*.

## (2) Compliance certification

The applicant must certify that all existing *major stationary sources* owned or operated by the applicant (or any entity controlling, controlled by, or under

common control with the applicant) in Ohio as the proposed *major stationary source* or *major modification* are in compliance with all applicable emission limitations and standards under the Clean Air Act (or are in compliance with an expeditious schedule which is *federally enforceable* or contained in a court decree).

(3) Emission offsets

- (a) Emission reductions (offsets) from existing air contaminant sources in the area of the proposed *major stationary source* (whether or not under the same ownership) are required such that there will be reasonable progress, as determined by the director, toward attainment of the applicable National Ambient Air Quality Standard.
- (b) Only intra air pollutant emission offsets will be acceptable (e.g., hydrocarbon increases may not be offset against SO<sub>2</sub> reductions).
- (c) Emission offsets must meet the baseline limitations of rule 3745-31-24 of the Administrative Code, the location limitations of rule 3745-31-25 of the Administrative Code, and the offset ratio limitations of rule 3745-31-26 of the Administrative Code.
- (d) Emission offsets are required only for those air pollutants for which the increased *allowable emissions* exceed the *significant* emission rates.

(4) Net air quality benefit

The emission offsets must provide a positive net air quality benefit in the affected area pursuant to rule 3745-31-25 of the Administrative Code. Atmospheric dispersion modeling is not necessary for *volatile organic compounds* and nitrogen oxides in ozone nonattainment areas. Instead, complying with the requirements of paragraphs (A)(1) through (A)(3) of rule 3745-31-22 of the Administrative Code and rule 3745-31-25 of the Administrative Code will be considered adequate to meet this condition.

(B) Exemptions from certain conditions.

(1) Fuel switch exemption

The director may exempt the following *major stationary sources* or *major modifications* from the limitation required under paragraph (D)(1) of rule 3745-31-23 of the Administrative Code or the emissions offsets required under paragraphs (A)(3) and (A)(4) of rule 3745-31-22 of the Administrative Code:

*Major stationary sources* that must switch fuels due to lack of adequate fuel supplies or where a *major stationary source* is required to be modified as a result of new epa regulations and no exemption from such regulation is available to the *major stationary source*.

Such exemptions may be granted only if:

- (a) The applicant demonstrates that it made its best efforts to obtain sufficient emission offsets and that such efforts were unsuccessful;
  - (b) The applicant has secured all available emission offsets; and
  - (c) The applicant will continue to seek the necessary emission offsets and apply them when they become available.
- (2) *Temporary stationary sources/portable facilities/construction emissions*

The director may exempt the following *major stationary sources* or *major modifications* from the emissions offsets required under paragraphs (A)(3) and (A)(4) of rule 3745-31-22 of the Administrative Code:

- (a) Portable facilities that will be relocated outside of the nonattainment area after a short period of time; and
- (b) Emissions generated from the *construction* phase of a new *major stationary source*.

Effective: April 12, 1996

Certification: original signed by Donald R. Schregardus  
Donald R. Schregardus, Director  
Ohio Environmental Protection Agency

March 15, 1996  
Date

Promulgated under: R.C. 119  
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