

3745-77-07 **Permit content.**

[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 paragraph (SS) of rule 3745-77-01 of the Administrative Code titled "Referenced materials."]

(A) Standard permit requirements. Each Title V permit shall include the following elements:

(1) Emission limitations and standards. The permit shall include emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance.

(a) The Title V permit shall specify authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(b) The Title V permit shall state that, where an applicable requirement of the act is more stringent than an applicable requirement of regulations promulgated under Title IV of the act, both provisions shall be incorporated into the permit and shall be federally enforceable.

(c) If the applicable implementation plan so provides, upon an applicant's request, pursuant to division (E) of section 3704.03 and division (K) of section 3704.036 of the Revised Code, that an alternative limit or means of compliance be specified in the Title V permit, and such alternative limit satisfies the criteria set forth in division (E) of section 3704.03 and division (K) of section 3704.036 of the Revised Code, such an alternative emission limit or means of compliance shall be included in the permit upon a showing satisfactory to the director that it is quantifiable, accountable, enforceable, and based on replicable procedures. The applicant shall include in the permit application proposed permit terms and conditions to satisfy the requirements of this paragraph.

(2) Permit duration. The director shall issue Title V permits for a fixed period, not to exceed five years, except as provided in paragraphs (A)(2)(a) to (A)(2)(c) of this rule:

(a) Permits issued to affected sources shall in all cases have a fixed term of five years.

(b) Permits issued to solid waste incineration units combusting municipal waste subject to standards under Section 129(e) of the act shall have a term not to exceed twelve years. Such permits shall be reviewed every five years.

- (c) A permit may be terminated, or terminated in part, prior to expiration in accordance with the requirements of paragraph (H) of rule 3745-77-08 of the Administrative Code.

(3) Monitoring and related recordkeeping and reporting requirements.

- (a) Each permit shall contain the following requirements with respect to monitoring:
 - (i) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to Sections 114(a)(3) or 504(b) of the act;
 - (ii) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to paragraph (A)(3)(c) of this rule. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Such monitoring requirements may apply to operating parameters, fuels, raw materials, or other reliable indicators of the rate of emissions, or combinations thereof. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and
 - (iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
- (b) With respect to recordkeeping, the permit shall incorporate all applicable requirements that relate to recordkeeping and require, where applicable, the following:
 - (i) Records of required monitoring information that include the following:
 - (a) The date, place as defined in the permit, and time of sampling or measurements;
 - (b) The date(s) analyses were performed;
 - (c) The company or entity that performed the analyses;
 - (d) The analytical techniques or methods used;

- (e) The results of such analyses; and
 - (f) The operating conditions as existing at the time of sampling or measurement; and
- (ii) Retention of records of all required monitoring data and support information for a period of five years from the date the record was created. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. The permit shall specify that records may be maintained in computerized form.
- (c) With respect to reporting, the permit shall incorporate all applicable requirements that relate to reporting. The permit shall also require the following:
- (i) That the permittee submit a report of any required monitoring every six months. To the extent possible, the schedule for submission of such reports shall be timed to coincide with other periodic reports required by the permit, including the permittee's annual compliance certification.
 - (ii) That each report submitted under paragraph (A)(3)(c)(i) of this rule shall clearly identify any deviations from the permit requirements that have occurred since the previous report has been submitted.
 - (iii) That each permit shall require prompt reporting of deviations from federally enforceable permit requirements, including deviations attributable to malfunctions as described in paragraph (B)(1) of rule 3745-15-06 of the Administrative Code, regardless of duration, the probable cause of such deviations, and any corrective actions or preventive measures taken. The requirement to include all deviations attributable to malfunctions in these quarterly deviation reports is in addition to the verbal and written reporting requirements specified in rule 3745-15-06 of the Administrative Code. An exceedance of the visible emission limitations specified in paragraph (A)(1) of rule 3745-17-07 of the Administrative Code that is caused by a malfunction does not need to be reported as a deviation if the owner or operator of the affected air contaminant source or air pollution control equipment complies with the requirements of paragraph (A)(3)(c) of rule 3745-17-07 of the Administrative Code. Malfunctions that are reported in accordance with rule 3745-15-06 of the Administrative Code shall be referenced in the deviation reports required by this paragraph. Deviations resulting from approved requests for scheduled maintenance of air pollution control equipment pursuant to paragraph (A) of rule

3745-15-06 of the Administrative Code also shall be reported in accordance with this paragraph.

- (iv) Unless otherwise specified in the specific permit terms and conditions for an emissions unit, prompt reporting for the purpose of this rule shall be quarterly for all deviations from emission limitations, operational restrictions, and control device operating parameter limitations (except as prescribed in rule 3745-15-06 of the Administrative Code for malfunctions); and semi-annually for all deviations from monitoring, recordkeeping, and reporting requirements pursuant to paragraph (A)(3)(c)(i) of this rule.
 - (v) That each report required under paragraph (A)(3)(c) of this rule shall be signed by a responsible official certifying that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.
- (4) Risk management plans. If the owner or operator of the source is required to develop and register a risk management plan pursuant to Section 112(r) of the act, the permit shall specify that the permittee will comply with the requirement to register such a plan.
- (5) Title IV provisions. The permit shall include provisions necessary to ensure compliance by an affected source with the requirements of 40 CFR Part 72. The permit shall prohibit emissions exceeding any allowances that the source lawfully holds under Title IV of the act or the regulations promulgated thereunder.
- (a) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.
 - (b) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
 - (c) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the act.
- (6) Severability clause. The Title V permit shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.
- (7) General requirements. The Title V permit shall include provisions stating the following:

- (a) The permittee must comply with all conditions of the permit. Any noncompliance with the federally enforceable terms and conditions of the permit constitutes a violation of the act and is grounds for enforcement action or for permit revocation, revocation and reissuance, or modification, or for denial of a permit renewal application.
 - (b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the federally enforceable conditions of the permit.
 - (c) The permit may be modified, reopened, revoked, or revoked and reissued, for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
 - (d) The permit does not convey any property rights of any sort, or any exclusive privilege.
 - (e) The permittee shall furnish to the director, upon receipt of a written request and within a reasonable time, any information that the director may request to determine whether cause exists for modifying, reopening, or revoking the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the director copies of records required to be kept by the permit. For information claimed to be confidential in the submittal to the director, if the administrator requests such information, the permittee may furnish such records directly to the administrator along with a claim of confidentiality.
- (8) Fees. The permit shall provide that the permittee will pay fees to the director in accordance with section 3745.11 of the Revised Code and Chapter 3745-78 of the Administrative Code.
- (9) Marketable permit programs. The permit shall provide that no permit revision shall be required under any approved economic incentive, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.
- (10) Reasonably anticipated operating scenarios. The permit shall include terms and conditions applicable to all operating scenarios described in the permit application unless prohibited by federally enforceable requirements, including all applicable requirements and requirements of this chapter. As approved by the director, the permit shall authorize the permittee to make changes among operating scenarios authorized in the permit without notice, but shall require the permittee, contemporaneous with making a change from one operating scenario

to another, to record in a log at the permitted facility the scenario under which it is operating. The permit shield provided in paragraph (F) of this rule shall apply to all operating scenarios authorized in the permit.

(11) Emissions trading. The permit shall include terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

(a) Shall include all terms required under paragraphs (A) and (C) of this rule to determine compliance;

(b) May extend the permit shield described in paragraph (F) of this rule to all terms and conditions that allow such increases and decreases in emissions; and

(c) Must meet all applicable requirements and requirements of this chapter.

(12) Reopening for cause. Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit.

(13) Insignificant activities and emissions levels.

(a) Any insignificant activities and emissions levels that are subject to one or more applicable requirements, shall be listed in the federally enforceable portion of the permit along with the applicable requirements or the identification number of each permit to install that establishes one or more applicable requirements for the insignificant activities and emissions levels. This listing is presumed to satisfy the requirements of paragraph (A)(1) of this rule.

(b) Monitoring, recordkeeping or reporting requirements established for insignificant activities and emissions levels in a permit to install or under applicable rules are presumed adequate to satisfy the monitoring, recordkeeping or reporting requirements of paragraph (A)(3) of this rule for the insignificant activities and emissions levels, unless the director determines otherwise.

(B) Federally enforceable and state enforceable terms and conditions. Federally enforceable terms and conditions shall be identified as such in the permit. Voluntary restrictions established in the permit to avoid federal applicable requirements shall be identified as federally enforceable terms and conditions. Federally enforceable terms and conditions shall be clearly differentiated from terms and conditions that are not required under the act or any applicable requirements and that are imposed pursuant

to state law only. Terms and conditions that are not required under the act or any of its applicable requirements shall be identified as such in the permit and clearly differentiated from those that are.

- (1) All terms and conditions of a Title V permit that are required under the act or any of its applicable requirements, including relevant terms and conditions designed to limit the potential to emit of a source, are enforceable by the administrator and citizens under the act.
 - (2) All other terms and conditions of a Title V permit not described in paragraph (B)(1) of this rule shall not be federally enforceable and shall be enforceable under state law only.
- (C) Compliance requirements. The federally enforceable portion of each Title V permit shall contain the following elements with respect to compliance:
- (1) Consistent with paragraph (A)(3) of this rule, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the federally enforceable terms and conditions of the permit. Any document (including reports) required by a Title V permit shall contain a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements in the document are true, accurate, and complete;
 - (2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the director or an authorized representative of the director to:
 - (a) Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit, subject to the protection from disclosure to the public of confidential information consistent with paragraph (E) of rule 3745-77-03 of the Administrative Code;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - (d) As authorized by the act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit and applicable requirements.

- (3) A requirement that sources meet in a timely manner applicable requirements that become effective during the permit term and shall contain an approved schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule of compliance shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. Such a schedule of compliance shall resemble and be at least as stringent as that contained in any judicial or administrative order or consent decree to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based;
- (4) Progress reports consistent with a schedule of compliance in the permit for meeting an applicable requirement. Progress reports must be submitted semiannually, or more frequently if specified in the applicable requirement, or by the director. Progress reports shall contain the following:
 - (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved;
 - (b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted; and
- (5) Requirements for compliance certification with terms and conditions contained in the permit that are federally enforceable, including emission limitations, standards, or work practices. Each permit shall specify:
 - (a) The frequency (which shall be annual unless the applicable requirement specifies submission more frequently) or submissions of compliance certifications;
 - (b) In accordance with paragraph (A)(3) of this rule, a means for monitoring the compliance of the source with emissions limitations, standards, and work practices;
 - (c) A requirement that the compliance certification include the following:
 - (i) The identification of each term or condition of the permit that is the basis of the certification;
 - (ii) The permittee's compliance status over the period covered by the certification;
 - (iii) Whether compliance was continuous or intermittent;

- (iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period as required by paragraph (A)(3) of this rule; and
 - (v) Such other facts as the director may require in the permit to determine the compliance status of the source;
- (d) A requirement that all compliance certifications be submitted to the administrator as well as to the director; and
- (e) Such additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the act.

(D) General Title V permits.

- (1) The director may issue a general Title V permit to any source class or category if the director concludes that the class or category is appropriate for permitting on a generic basis, including, but not limited to, a class or category that has numerous similar facilities or air contaminant sources, or similar federally applicable requirements. No general permit may be issued for affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the act.
- (2) A general Title V permit may be issued for a source category based upon an application from the owner or operator of a source within the source category or upon the director's own initiative. The director shall, following receipt of an application for a general permit, or upon a determination that issuance of a general permit for a category of sources may be appropriate, follow the same procedures for allowance of a general permit as for any other permit issued under this part.
- (3) A general Title V permit may be issued for any of the following purposes:
- (a) To establish terms and conditions to implement applicable requirements for a source category or for numerous similar sources; or
 - (b) To establish federally enforceable caps on emissions from sources in a specified category or from numerous similar sources.
- (4) A general Title V permit issued under paragraph (D) of this rule shall identify criteria by which sources may qualify for the general permit. After a general permit has been issued, the owner or operator of any source may submit a request to be covered under the permit. A general permit shall apply to the owner or operator of a facility or air contaminant source only upon application of the owner or operator to, and acceptance by, the director.

- (a) A request for coverage under a general permit shall identify the source and provide information sufficient to demonstrate that it falls within the source category covered by the general permit, together with any additional information that may be specified in the general Title V permit. Such request shall conform to the application requirements in the general permit, which may deviate from the application requirements set forth in rule 3745-77-03 of the Administrative Code, provided that such applications meet the requirements of Title V of the act, and include all information necessary to determine qualification for, and to assure compliance with, the general permit.
 - (b) The director shall act to approve or deny the request for coverage under a general permit within ninety days of receipt.
 - (c) After a general Title V permit has been issued in accordance with paragraph (D)(4) of this rule, the director may grant requests for authorization to operate under the general Title V permit without repeating the public participation procedures required under rule 3745-77-08 of the Administrative Code.
- (5) A copy of the general Title V permit, together with a list of sources approved for coverage under it, shall be kept on file by the director for public review.
- (6) A general Title V permit issued under this section shall provide that any source approved for coverage under a general Title V permit shall be entitled to the protection of the permit shield under paragraph (F) of this rule for all operations, emissions, and activities addressed by the general Title V permit. Notwithstanding these shield provisions, the owner or operator of any such source shall be subject to enforcement action for operation without a Title V permit if the source is later determined not to qualify for the conditions and terms of the general permit.
- (7) If some, but not all, of a source's operations, emissions, and activities are eligible for coverage under one or more general permits, the owner or operator of the source may apply for and receive coverage under the relevant general permit(s) for the operations, emissions, and activities that are so eligible. If the owner or operator of the source is required under this rule to obtain a permit addressing the remainder of the operations, emissions, and activities at the source, the owner or operator may apply for and receive a permit that addresses specifically only those items not covered by one or more general permits. In such a case, the source's permit shall identify all operations, emissions, and activities that are subject to general permits and incorporate those general Title V permits by reference.

(E) Temporary sources. The director may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include the following:

- (1) Conditions that will assure compliance with all applicable requirements at all authorized locations;
- (2) Requirements that the owner or operator notify the director at least ten days in advance of each change in location; and
- (3) Conditions that assure compliance with all other applicable provisions of this rule.

(F) Permit shield.

- (1) Each permit issued under this rule shall include a permit shield provision, which shall state that compliance with the terms and conditions of the permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under this rule) shall be deemed compliance with the applicable requirements identified and addressed in the permit as of the date of permit issuance.
- (2) Upon written request of the permit applicant, the director shall include in the permit, or in a separate written finding issued with the permit, a determination identifying specific requirements or class of requirements that do not apply to the source or to one or more emissions units within the source. The permit applicant shall specify in the request for such a determination the requirements as to which the determination is requested. If the determination is issued in a separate finding, that finding shall be summarized in the permit. The permit shall state that the permit shield applies to any requirements so identified. A request for a determination to amend the shield to requirements deemed inapplicable to a source or an emissions unit may be made either in conjunction with the original permit application or in conjunction with a subsequent application for a permit modification.
- (3) Nothing in paragraph (F) of this rule or in the permit shall alter or affect the following:
 - (a) The provisions of Section 303 of the act, including the authority of the administrator under that section;
 - (b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

- (c) Applicable requirements of the acid rain program, consistent with Section 408(a) of the act; or
- (d) The ability of the administrator to obtain information from a source pursuant to Section 114 of the act.

(G) Emergencies.

- (1) Definition. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of god, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
- (2) Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph (G)(3) of this rule are met.
- (3) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence showing that:
 - (a) An emergency occurred and the permittee can identify the cause(s) of the emergency;
 - (b) The permitted facility was being properly operated at the time;
 - (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
 - (d) The permittee submitted notice of the emergency to the director within two working days of the time when emission limitations were exceeded due to the emergency. Such notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of paragraph (A)(3)(c)(iii) of this rule.
- (4) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof with regard to the occurrence of the emergency.

- (5) The emergency defense provision in paragraph (G) of this rule is in addition to any emergency or upset provision contained in any applicable requirement.

(H) Operational flexibility: changes allowed without requiring permit revisions.

- (1) Changes allowed with seven day advance notice. An owner or operator of a stationary source with a Title V permit is authorized, and each permit issued under this rule shall expressly provide such authorization, to make a change, as provided in paragraphs (H)(1)(a) to (H)(1)(c) of this rule, within the permitted stationary source without obtaining a permit revision, if such change is not a modification under any provision of Title I of the act and does not result in an exceedance of the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions), and the owner or operator of the source provides the administrator and the director with written notification as provided in paragraph (H)(2) of this rule.
- (a) Changes that contravene express permit term. Changes that contravene an express permit term, except for changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- (b) Emission trades under applicable implementation plan. Title V permitted sources may trade increases and decreases in emissions in the permitted stationary source, where the applicable implementation plan provides for such emissions trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing emissions trades.
- (c) Emissions trades to comply with federally enforceable cap.
- (i) Upon the applicant's request in a Title V permit application, the director shall issue a permit that contains terms and conditions, including all terms required under this rule to determine compliance, allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements.
- (ii) The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure that the emissions trades are quantifiable and enforceable. The director shall not be required to include in the emissions trading provisions any emissions units for

which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades.

(iii) The permit shall require compliance with all applicable requirements.

(2) Notification.

- (a) Written notification to the administrator and director required under paragraph (H)(1) of this rule shall be provided a minimum of seven days in advance of the proposed changes, unless the change is associated with, or in response to, emergency conditions.
- (b) If less than seven days notice is provided because of a need to respond more quickly to such emergency conditions, the permittee shall provide notice to the administrator and the director as soon as possible after learning of the need to make the change.
- (c) The permittee and the director shall thereafter attach each such notice to their copy of the relevant permit.
- (d) The written notification required in paragraph (H)(1)(a) of this rule shall include:
 - (i) For sources making changes under paragraph (H)(1)(a) of this rule:
 - (a) A brief description of the change within the permitted facility,
 - (b) The date on which the change will occur,
 - (c) Any change in emissions, and
 - (d) Any permit term or condition that is no longer applicable as a result of the change;
 - (ii) For sources implementing emission trades as provided in paragraph (H)(1)(b) of this rule:
 - (a) When the proposed change will occur,
 - (b) A brief description of each change,
 - (c) Any change in emissions,
 - (d) The pollutants emitted subject to the emission trade,

- (e) The provisions in the applicable implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the applicable implementation plan authorizing the trade, and
 - (f) The permit requirements with which the source will comply; or
 - (iii) For sources implementing emission trades as provided in paragraph (H)(1)(c) of this rule:
 - (a) When the change will occur,
 - (b) Description of the changes in emissions that will result, and
 - (c) How these increases and decreases in emission will comply with the terms and conditions of the permit.
 - (3) Permit shield. The permit shield provided under paragraph (F) of this rule shall not apply to changes made under this paragraph, except those provided for in paragraph (H)(1)(c) of this rule; however, the protection of the permit shield shall continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:
 - (a) If subsequent changes cause the facility's operations and emissions to revert to those anticipated in the permit and the permittee resumes compliance with the terms and conditions of the permit; or
 - (b) If the permittee obtains a significant modification to the permit pursuant to this chapter to modify the change in the permit. Nothing in this paragraph shall be construed as requiring such a modification to be obtained.
 - (I) Off-permit changes. The owner or operator of a Title V source may make any change in its operations or emissions at the source that is not specifically addressed or prohibited in the Title V permit, without obtaining an amendment or modification of the permit, provided that the following conditions are met:
 - (1) The change does not result in conditions that violate any applicable requirements or that violate any existing federally enforceable permit term or condition;
 - (2) The permittee provides contemporaneous written notice of the change to the director and the administrator, except that no such notice shall be required for changes involving insignificant emission levels or activities as defined in rule 3745-77-01 of the Administrative Code, that are not subject to one or more applicable requirements. Such written notice shall describe each such change,

the date of such change, any change in emissions or pollutants emitted, and any federally applicable requirement that would apply as a result of the change;

- (3) The change shall not qualify for the permit shield under paragraph (F) of this rule;
- (4) The permittee shall keep a record describing all changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes; and
- (5) The change is not subject to any applicable requirement under Title IV of the act or is not a modification under any provision of Title I of the Act.

Paragraph (I) of this rule applies only to modification or amendment of the permittee's Title V permit. The change made may require a permit-to-install under Chapter 3745-31 of the Administrative Code if the change constitutes a modification as defined in that chapter. Nothing in paragraph (I) of this rule shall affect any applicable obligation under Chapter 3745-31 of the Administrative Code.

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