



Ohio Administrative Code Rule 3745-103-06 Designated representative.

Effective: September 25, 2023

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of rule 3745-103-01 of the Administrative Code titled "Referenced materials."]

(A) Submissions.

(1) Each submission under the acid rain program shall be submitted, signed, and certified by the designated representative for all sources on behalf of which the submission is made.

(2) In each submission under the acid rain program, the designated representative shall certify, by the representative's signature, the following statements, which shall be included verbatim in such submission:

(a) "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made."

(b) "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(3) The director shall accept or act on a submission made on behalf of owners or operators of an affected source and an affected unit only if the submission has been made, signed, and certified in accordance with paragraphs (A)(1) and (A)(2) of this rule.



(4) The designated representative of a source shall serve notice on each owner and operator of the source and of an affected unit at the source all of the following:

(a) By the date of submission, of any acid rain program submissions by the designated representative.

(b) Within ten business days of receipt of a determination, of any written determination by the USEPA or the Ohio EPA.

(c) Provided that the submission or determination covers the source or the unit.

(5) The designated representative of a source shall provide each owner and operator of an affected unit at the source a copy of any submission or determination under paragraph (A)(4) of this rule, unless the owner or operator expressly waives the right to receive such a copy.

(B) Objections.

(1) Except as provided in 40 CFR 72.23, no objection or other communication submitted to the USEPA or the director concerning the authorization, or any representation, action, inaction, or submission of the designated representative shall affect any representation, action, inaction, or submission of the designated representative, or the finality of any decision by the Ohio EPA, under the acid rain program. In the event of such communication, the director is not required to stay any submission or the effect of any action or inaction under the acid rain program.

(2) The director shall not adjudicate any private legal dispute concerning the authorization or any submission, action, or inaction of any designated representative, including private legal disputes concerning the proceeds of allowance transfers.