



## Ohio Administrative Code Rule 3745-103-28 Opt-in permit process.

Effective: September 25, 2023

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[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) Submission. The designated representative of a combustion or process source may submit an opt-in permit application and a monitoring plan to the director and a copy to the USEPA at any time for any combustion or process source that is operating.

(B) Issuance or denial of opt-in permits. The director shall issue or deny opt-in permits or revisions of opt-in permits in accordance with the procedures in rule 3745-77-02 of the Administrative Code, 40 CFR Part 71, and 40 CFR Part 72, Subparts F and G, except as provided in this rule.

(1) Supplemental information. Regardless of whether the opt-in permit application is complete, the USEPA or the director may request submission of any additional information that the USEPA or the director determines to be necessary in order to review the opt-in permit application or to issue an opt-in permit.

(2) Interim review of monitoring plan. The USEPA will determine, on an interim basis, the sufficiency of the monitoring plan, accompanying the opt-in permit application. A monitoring plan shall be determined to be sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that all SO<sub>2</sub> emissions, NO<sub>x</sub> emissions, CO<sub>2</sub> emissions, and opacity of the combustion or process source are monitored and reported in accordance with 40 CFR Part 75. This interim review of sufficiency shall not be construed as the approval or disapproval of the combustion or process source's monitoring system.

(3) Issuance of draft opt-in permit. After the USEPA determines whether the combustion or process source's monitoring plan is sufficient under paragraph (B) of this rule, the director shall serve the



draft opt-in permit or the denial of a draft permit or the draft opt-in permit revisions or the denial of draft opt-in permit revisions on the designated representative of the combustion or process source submitting an opt-in permit application. A draft permit or draft opt-in permit revision shall not be served or issued if the monitoring plan is determined not to be sufficient.

(4) Confirmation by source of intention to opt-in. Within twenty-one calendar days from the date of service of the draft opt-in permit or the denial of the draft opt-in permit, the designated representative of a combustion or process source submitting an opt-in permit application shall submit to the USEPA and the director, in writing, a confirmation or rescission of the source's intention to become an opt-in source under this rule. The USEPA shall treat the failure to make a timely submission as a rescission of the source's intention to become an opt-in source and as a withdrawal of the opt-in permit application.

(5) Issuance of draft opt-in permit. If the designated representative confirms the combustion or process source's intention to opt in under paragraph (B) of this rule, the director shall give notice of the draft opt-in permit or denial of the draft opt-in permit and an opportunity for public comment, as provided in accordance with rule 3745-77-08 of the Administrative Code with regard to a draft permit or the denial of a draft permit.

(6) Permit decision deadlines. The director shall issue or deny an opt-in permit within eighteen months of receipt of a complete opt-in permit application or such lesser time approved for operating permits under rule 3745-77-08 of the Administrative Code.

(7) Withdrawal of opt-in permit application. A combustion or process source may withdraw the source's opt-in permit application at any time prior to the issuance of the final opt-in permit. Once a combustion or process source withdraws its application, in order to re-apply, the designated representative shall submit a new opt-in permit application in accordance with rule 3745-103-29 of the Administrative Code for combustion sources or rule 3745-103-30 of the Administrative Code for process sources.

(C) [Reserved.]

(D) Entry into the acid rain program.



(1) Effective date. The effective date of the opt-in permit shall be either January first, April first, July first, or October first for a combustion or process source providing monthly data under rule 3745-103-33 of the Administrative Code, or January first for a combustion or process source providing annual data under rule 3745-103-33 of the Administrative Code, following the later of the issuance of the opt-in permit by the director or the completion of monitoring system certification, as provided in rules 3745-103-52 and 3745-103-53 of the Administrative Code for combustion sources or rule 3745-103-54 of the Administrative Code for process sources. The combustion or process source becomes an opt-in source and an affected unit as of the effective date of the opt-in permit.

(2) Allowance allocation. After the opt-in permit becomes effective, the USEPA shall allocate allowances to the opt-in source as provided in rule 3745-103-41 of the Administrative Code. If the effective date of the opt-in permit is not January first, allowances for the first year shall be prorated as provided in rule 3745-103-39 of the Administrative Code.

(E) Expiration of opt-in permit. An opt-in permit that is issued before the completion of monitoring system certification under rules 3745-103-52 and 3745-103-53 of the Administrative Code for combustion sources or under rule 3745-103-54 of the Administrative Code for process sources shall expire one hundred eighty days after the director serves the opt-in permit on the designated representative of the combustion or process source governed by the opt-in permit, unless such monitoring system certification is complete. The designated representative may petition the USEPA and the director to extend this time period in which an opt-in permit expires and shall explain in the petition why such an extension should be granted. The designated representative of a combustion source governed by an expired opt-in permit that seeks to become an opt-in source shall submit a new opt-in permit application.