



Ohio Administrative Code Rule 3745-112-07 Variances.

Effective: June 20, 2022

(A) Any person who cannot comply with the requirements set forth in rule 3745-112-03 of the Administrative Code, because of extraordinary reasons beyond the person's reasonable control may apply in writing to the director for a variance. The variance application shall set forth all of the following:

(1) The specific grounds upon which the variance is sought.

(2) The proposed date by which compliance with the provisions of rule 3745-112-03 of the Administrative Code will be achieved.

(3) A compliance report reasonably detailing the method by which compliance will be achieved.

(B) No variance shall be granted unless all of the following findings are made:

(1) That, because of reasons beyond the reasonable control of the applicant, requiring compliance with rule 3745-112-03 of the Administrative Code would result in extraordinary economic hardship.

(2) That the public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding any increased emissions of air contaminants which would result from issuing the variance.

(3) That the compliance report proposed by the applicant can reasonably be implemented, and will achieve compliance as expeditiously as possible.

(C) Any variance order shall specify a final compliance date by which the requirements of rule 3745-112-03 of the Administrative Code will be achieved. Any variance order shall contain a condition that specifies increments of progress necessary to assure timely compliance, and such other conditions that the director finds necessary.



(D) Upon the application of any person, the director may review, and for good cause, modify or revoke a variance from requirements of rule 3745-112-03 of the Administrative Code.

(E) A variance ceases to be effective upon failure of the party to whom the variance was granted to comply with any term or condition of the variance.