



Ohio Administrative Code

Rule 3745-31-07 Termination, revocation, expiration, renewal, revision and transfer.

Effective: March 11, 2023

(A) Termination.

(1) Authorization to install or modify an air contaminant source contained in an issued permit-to-install (PTI) or permit-to-install-and-operate (PTIO) shall terminate within eighteen months of the effective date of the issuance of the PTI or PTIO that authorized the installation or modification unless one of the following applies:

(a) The owner or operator has undertaken a continuing program of installation or modification during the eighteen-month period.

(b) The owner or operator has entered into a binding contractual obligation to undertake and complete within a reasonable period of time a continuing program of installation or modification of the air contaminant source during the eighteen-month period.

(c) The director has extended the date by which the air contaminant source that is the subject of the PTI or PTIO shall be installed or modified per the requirements described in paragraph (A)(2) of this rule.

(d) The PTI or PTIO is the subject of an appeal by a party other than the owner or operator of the air contaminant source that is the subject of the PTI or PTIO, in which case the date of termination of the permit is not later than eighteen months after the effective date of the permit plus the number of days between the date in which the permit was appealed and the date on which all appeals concerning the permit have been resolved.

(e) The PTI or PTIO has been superseded by a subsequent PTI or PTIO, in which case the original PTI or PTIO terminates on the effective date of the superseding PTI or PTIO.

(2) The director may administratively modify a permit-to-install or PTIO to extend these dates of



termination by up to twelve months if the applicant submits, within a reasonable time before the termination date, a request for an administrative modification, containing information that, in the judgment of the director, adequately justifies an extension of time. No appeal taken from denial of extension of a termination date shall prevent termination of a permit during the period between denial of extension and final disposition of the appeal unless prohibited by any court or administrative body having jurisdiction over the matter.

(3) A permit-to-install, permit-to-operate or PTIO may be terminated in accordance with paragraph (A)(2) or (B)(1)(c) of rule 3745-31-02 of the Administrative Code.

(B) Revocation.

(1) The director may revoke a permit-to-install or PTIO, if the director concludes at any time that any applicable laws have been or are likely to be violated.

(2) The director may also revoke, or partially revoke, a permit-to-install, PTIO or variance if the permittee requests revocation for cause and the director determines that granting the requested revocation will not result in the violation of any applicable laws. When a permittee requests a revocation, the director, without prior hearing, shall make a final determination on the application.

(3) Revocation, pursuant to paragraph (B)(1) of this rule, of a permit-to-install, PTIO or variance shall be final thirty days after service of notice to the permit holder.

(4) The Ohio environmental protection agency shall afford a prompt hearing to any permit holder whose permit-to-install or PTIO is revoked, except as described in paragraph (B)(2) of this rule, in the manner prescribed in Chapter 3745-49 of the Administrative Code.

(5) A variance issued pursuant to rule 3745-31-09 of the Administrative Code may be revoked if any of the following occur:

(a) The director determines that any of the terms, conditions, standards, or requirements of rule 3745-31-09 of the Administrative Code have been or will be violated or that circumstances have changed so that the applicant is no longer eligible for a variance under that rule.



(b) The signatory fails to file an interim report as required pursuant to paragraph (G)(4) of rule 3745-31-09 of the Administrative Code, or if such report fails to satisfy the director that the source is making satisfactory progress.

(c) False or misleading statements are made in an interim report required pursuant to paragraph (G)(4) of rule 3745-31-09 of the Administrative Code.

(C) Expiration and renewal.

(1) A PTIO may be issued for a period of time consistent with the requirements of division (G) of section 3704.03 of the Revised Code, and is subject to renewal pursuant to rule 3745-31-05 of the Administrative Code.

(a) A conditional PTIO issued pursuant to paragraph (B) of rule 3745-31-05 of the Administrative Code shall be effective for such reasonable periods as the director may determine on a case-by-case basis consistent with division (G) of section 3704.03 of the Revised Code. A conditional PTIO may not be renewed; however, the effective date may be extended for such reasonable periods as the director may determine on a case-by-case basis provided the total time period of effectiveness is consistent with division (G) of section 3704.03 of the Revised Code.

(b) A FEPTIO issued pursuant to paragraph (D) of rule 3745-31-05 of the Administrative Code shall be effective for a period of time consistent with division (G) of section 3704.03 of the Revised Code but no longer than five years, and is subject to renewal.

(2) A permit-to-install does not expire and is not renewable.

(3) Any site approval for a portable source issued pursuant to paragraph (H) of rule 3745-31-05 of the Administrative Code may be issued for a period of time consistent with the requirements of division (G) of section 3704.03 of the Revised Code, and is subject to renewal pursuant to paragraph (H) of rule 3745-31-05 of the Administrative Code.

(4) Any variance issued pursuant to rule 3745-31-09 of the Administrative Code may be issued for a



period of time consistent with the requirements of division (H) of section 3704.03 of the Revised Code, and is subject to renewal. A variance may be renewed only when the Ohio environmental protection agency is satisfied that the source for which the variance was granted is making satisfactory progress toward achievement of the program specified in any compliance schedule incorporated into the variance or is complying with any other terms and conditions of the variance. Renewal shall be considered pursuant to rule 3745-31-09 of the Administrative Code.

(D) Revision.

(1) Any PTIO or variance issued by the director shall be subject to revision by the director in response to changes in applicable law or other factors affecting the compliance of the air contaminant source with the standards or conditions of any currently effective permit.

(2) The director may revise any site approval for a portable source issued pursuant to paragraph (H) of rule 3745-31-05 of the Administrative Code to add or delete certain portable sources or add or delete certain terms and conditions as appropriate.

(3) The director may require the owner or operator to submit a permit application pursuant to rule 3745-31-05 of the Administrative Code to fulfill the requirements of paragraph (D) of this rule.

(E) Transfer.

The transferee of any permit-to-install, PTIO or variance shall assume personally the responsibilities of the original permit holder-transferor. The Ohio environmental protection agency shall be notified in writing, in a manner prescribed by the director, of any transfer of a permit once the transfer has been completed.