



## Ohio Administrative Code Rule 3745-77-03 Content of a permit application.

Effective: July 19, 2018

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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 (TT) of rule 3745-77-01 of the Administrative Code titled "referenced materials."]

(A) Standard application form. The owner or operator of a source that is subject to the Title V permit program as provided in rule 3745-77-02 of the Administrative Code shall submit Title V permit applications in the manner and form prescribed by the director for that purpose. The applicant shall submit the information required by this rule for each emissions unit at the source to be permitted, except for insignificant activities and emissions levels as specified in paragraph (G) of rule 3745-77-02 of the Administrative Code. The applicant must identify any such insignificant activities and emissions levels that are exempted because of size or production rate. An applicant may not omit information for an emissions unit, including information for insignificant activities or emission levels, that is necessary to determine the applicability of any applicable requirement, to impose any applicable requirement, or to evaluate the fee amount required under section 3745.11 of the Revised Code.

(B) Option for single or multiple permits. A Title V permit applicant may request a single permit for a stationary source with multiple Title V emissions units, or a separate permit for any one or more emissions units at the same facility required to have a Title V permit. The director shall honor all such requests based on proper definitions of emissions units.

(C) Required information. The standard application form shall require, and the applicant shall provide, all of the following information:

(1) Identifying information, including company name and address (or plant name and address if different from the company name or address), owner's name and statutory agent, telephone number and names of plant site manager or other on-site contact, and application or premise number(s) from



any previous permits under Chapter 3745-31 of the Administrative Code.

(2) A description of the source's processes and products (by standard industrial classification code or North American industry classification system) including any associated with each alternate operating scenario identified by the source.

(3) All of the following emission-related information:

(a) All emissions of each regulated air pollutant for which the source is major, and an estimate of all emissions of each other regulated air pollutant for which the source is regulated. The application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted as de minimis in rule 3745-15-05 of the Administrative Code, or exempted in paragraphs (B)(1) to (B)(3) of rule 3745-31-03 of the Administrative Code. The applicant shall provide additional information related to such emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information that may be necessary to determine the amount of any permit fees owed under the fee schedule approved pursuant to Chapter 3745-78 of the Administrative Code. All emission estimates shall be performed in accordance with reasonable, appropriate and available engineering techniques.

(b) Identification and description of all points of emissions described in paragraph (C)(3)(a) of this rule, in sufficient detail to establish both the basis for fees and the applicability of any applicable requirement.

(c) Emissions rates in TPY, and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any.

(d) Information regarding fuels, fuel use, raw materials, production rates, and operating schedules, to the extent such information is needed to determine or regulate emissions.

(e) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(f) Limitations on source operations affecting emissions or any work practice standards, where



applicable, for all regulated air pollutants at the Title V source.

(g) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to Section 123 of the act).

(h) Calculations on which the information in paragraphs (C)(3)(a) to (C)(3)(g) of this rule is based.

(i) Related information necessary to establish voluntary restrictions in the permit to avoid federally applicable requirements pursuant to paragraph (B) of rule 3745-77-07 of the Administrative Code.

(4) Both of the following air pollution control requirements:

(a) Citation and description of all applicable requirements.

(b) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(5) Other specific information as necessary to implement and enforce other applicable requirements of the act or of this chapter, including the following:

(a) Information on emissions and controls relevant to establishing a case-by-case emission limitation or standard under Section 112 of the act, or to determine the applicability of such requirements.

(b) A proposed compliance date for any standard under Section 112(d), 112(h), or 112(j) of the act that was promulgated after the applicant has received a final maximum achievable control technology (MACT) determination according to rule 3745-31-28 of the Administrative Code, and that does not specify a compliance date for sources that have received a final case-by-case MACT determination. The proposed compliance date shall be approved by the director, and in no case shall the compliance date be more than eight years from the date of promulgation of the standard.

(6) Any requests for alternative or multiple operating scenarios or anticipated changes in emissions during the term of the permit, together with the information under paragraphs (C)(3)(a) to (C)(3)(h) of this rule for each such scenario or change.



- (7) An explanation of any proposed exemptions from otherwise applicable requirements.
- (8) Any request for alternative emission limits, together with information necessary for the director to define alternative limits requested by the permit applicant under division (E) of section 3704.03 and division (K) of section 3704.036 of the Revised Code.
- (9) Compliance plan. Description of the compliance status of the Title V source with respect to all applicable requirements, which shall include all of the following:
- (a) For all applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
- (b) For all applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner such requirements that become effective during the permit term shall satisfy this provision, unless a more detailed plan or schedule is required by the requirement.
- (c) For applicable requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements and a schedule of compliance. The compliance schedule 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. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order 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.
- (d) A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation.
- (e) The compliance plan content requirements specified in paragraphs (C)(9)(a) to (C)(9)(d) of this rule shall apply and be included in the acid rain portion of a compliance plan for an affected source,



except as specifically superseded in regulations promulgated under Title IV of the act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(f) 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 applicant shall specify the compliance status of the requirement to register such a plan.

(10) Compliance certification shall include all of the following:

(a) A certification of compliance status with all applicable requirements by a responsible official consistent with paragraph (D) of this rule and Section 114 (a)(3) of the act.

(b) A statement of the methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods.

(c) A schedule for submission of compliance certifications during the Title V permit term, to be submitted annually or more frequently if specified by the applicable requirement.

(d) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the act.

(e) 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 applicant shall certify compliance with the requirement to register such a plan.

(11) The information specified in nationally standardized forms for the acid rain portions of applications and compliance plans, as required by regulations promulgated under Title IV of the act.

(D) Certification of truth, accuracy, and completeness.

Any application form, report, or compliance certification submitted pursuant to this chapter shall contain certification by a responsible official of truth, accuracy, and completeness. This certification



and any other certification requirement under this chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(E) Confidential information.

The application shall clearly identify any information the applicant claims is confidential as business information under 40 CFR Part 2 or a trade secret as defined in section 1333.61 of the Revised Code, and shall include a brief statement of the basis for any such claim. Information claimed to be confidential shall not thereafter be released except as provided by either condition listed as follows:

(1) If the administrator requests information subject to a claim of confidentiality, the director shall promptly require in writing that the applicant submit the information and claim of confidentiality directly to the administrator. If the applicant fails to submit such information and claim of confidentiality to the administrator within thirty days after receipt of the director's request to do so, the director shall submit such information and claim of confidentiality directly to the administrator.

(2) If a third party request information subject to a claim of confidentiality, such information shall be released only after the director finds the claim of confidentiality is not justified, notifies the applicant of the finding, and any appellate review is either not pursued or exhausted.

(F) Duty to supplement application.

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.