

SUBCHAPTER 8. PERMITS FOR PART 70 SOURCES

PART 9. MAJOR SOURCES AFFECTING NONATTAINMENT AREAS

252:100-8-50. Applicability

(a) General applicability.

(1) The ~~new source~~ requirements of this Part, ~~in addition to the applicable requirements of Parts 1, 3, and 5 of this Subchapter,~~ shall apply to the construction of ~~all any new major stationary sources source and or major modifications~~ modification which would locate in or affecting affect a nonattainment area located in Oklahoma, designated nonattainment areas as specified in ~~252:100-8-51 through 252:100-8-53~~ under section 107(d)(1)(A)(i) of the Act, if the stationary source or modification is major for the pollutant for which the area is designated nonattainment.

(2) The requirements of OAC 252:100-8, Parts 1, 3, and 5 also apply to the construction of any new major stationary source or major modification.

(3) In addition, the requirements of a PSD review (OAC 252:100-8, Part 7) would be applicable if any regulated NSR pollutant other than the nonattainment pollutant is emitted in significant amounts by that source or modification.

(b) Major modification.

(1) Major modification applicability determination.

(A) Except as otherwise provided in OAC 252:100-8-50(c) and (d), and consistent with the definition of major modification contained in OAC 252:100-8-51, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases:

(i) a significant emissions increase, and

(ii) a significant net emissions increase.

(B) The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(2) Calculating significant emissions increase and significant net emissions increase. The procedure for calculating whether a significant emissions increase will occur depends upon the type of emissions unit(s) being modified, according to OAC 252:100-8-50(b)(3) through (6). This is the first step in determining if a proposed modification would be considered a major modification. The procedure for calculating whether a significant net emissions increase will occur at the major stationary source is contained in the definition of "net emissions increase" in OAC 252:100-8-50.1 and 252:100-8-51.

This is the second step in the process of determining if a proposed modification is a major modification. Both steps occur prior to the beginning of actual construction. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(3) **Actual-to-projected-actual applicability test for projects that only involve existing emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, as applicable, for each existing emissions unit, equals or exceeds the amount that is significant for that pollutant.

(4) **Actual-to-potential test for projects that only involve construction of a new emissions unit(s).** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the amount that is significant for that pollutant.

(5) **Emission test for projects that involve Clean Units.** For a project that will be constructed and operated at a Clean Unit without causing the emissions unit to lose its Clean Unit designation, no emissions increase is deemed to occur.

(6) **Hybrid test for projects that involve multiple types of emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in OAC 252:100-8-50(b)(3) through (5) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the amount that is significant for that pollutant. For example, if a project involves both an existing emissions unit and a Clean Unit, the projected increase is determined by summing the values determined using the method specified in OAC 252:100-8-50(b)(3) for the existing unit and using the method specified in 252:100-8-50(b)(5) for the Clean Unit.

(c) **Plantwide applicability limitation (PAL).** Major stationary sources seeking to obtain or maintain a PAL shall comply with requirements under OAC 252:100-8-58.

(d) **Pollution control project (PCP).** An owner or operator undertaking a PCP shall comply with the requirements under OAC 252:100-8-57.

252:100-8-50.1. Incorporation by reference

(a) **Inclusion of CFR citations and definitions.** When a provision of Title 40 of the Code of Federal Regulations (40 CFR) is incorporated by reference, all citations contained therein are also incorporated by reference.

(b) **Inconsistencies or duplications.** In the event that there are inconsistencies or duplications in the requirements of those provisions incorporated by reference in OAC 252:100-8, Part 9, and the regulations in this Chapter, the provisions incorporated by reference shall prevail, except where the regulations in this Chapter are more stringent.

(c) **Terminology related to 40 CFR.** When these terms are used in rules incorporated by reference from 40 CFR, the following terms or definitions shall apply.

(1) "Baseline actual emissions" is synonymous with the definition of "baseline actual emissions" in OAC 252:100-8-31.

(2) "Building, structure, facility, or installation" is synonymous with the definition of "building, structure, facility, or installation" in OAC 252:100-1-3.

(3) "Major modification" is synonymous with the definition of "major modification" in OAC 252:100-8-51.

(4) "Net emissions increase" is synonymous with the definition of "net emissions increase" in OAC 252:100-8-51.

(5) "Pollution control project (PCP)" is synonymous with the definition of "pollution control project" or "PCP" in OAC 252:100-8-31.

(6) "Projected actual emissions" is synonymous with the definition of "projected actual emissions" in OAC 252:100-8-31.

(7) "Reviewing authority" is synonymous with "Director".

(8) "State implementation plan" is synonymous with OAC 252:100.

(9) "Volatile organic compound (VOC)" is synonymous with the definition of "volatile organic compound" or "VOC" in OAC 252:100-1-3.

252:100-8-51. Definitions

~~The following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:~~ The definitions in 40 CFR 51.165(a)(1) are hereby incorporated by reference as they exist on November 7, 2003, except for the definitions found at 40 CFR 51.165(a)(1)(xxxv) "baseline actual emissions"; (ii) "building, structure, facility, or installation"; (v) "major modification"; (vi) "net emissions increase"; (xxv) "pollution control project (PCP)"; (xxviii) "projected actual emissions"; and (xix) "volatile organic compounds (VOC)". These terms are defined in OAC 252:100-8-31, 252:100-8-51, and in 252:100-1-3.

~~"Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with the following:~~

~~(A) In general, actual emissions as of a particular date shall equal the average rate in tons per year at which the unit actually emitted the pollutant during a two year period which precedes the operation. The reviewing authority may allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. Actual emissions may also be determined by source tests, or by best engineering judgment in the absence of acceptable test data.~~

~~(B) The reviewing authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.~~

~~(C) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.~~

~~"Lowest achievable emissions rate" means the control technology to be applied to a major source or modification which the Director, on a case by case basis, determines is achievable for a source based on the lowest achievable emission rate achieved in practice by such category of source (i.e., lowest achievable emission rate as defined in the Federal Clean Air Act).~~

~~"Major modification" means any physical change in, or change in the method of operation of, a major source that would result in a significant net emissions increase of any pollutant subject to regulation.~~

~~(A) Any physical change in, or change in the method of operation of, a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source is a major modification.~~

~~(Ai) Any significant emissions increase from any emissions unit or net emissions increase at a major stationary source that is significant for volatile organic compounds VOC shall be considered significant for ozone.~~

~~(Bii) A physical change or change in the method of operation shall not include:~~

~~(i) routine maintenance, repair and replacement;~~

~~(ii) use of an alternate alternative fuel or raw material by reason of any order under Sections sections 2(a) and (b) of the Energy Supply and Environmental~~

Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

~~(iiiIII)~~ use of an ~~alternate alternative~~ fuel by reason of an order or rule under ~~Section section~~ 125 of the ~~Federal Clean Air Act~~;

~~(ivIV)~~ use of an ~~alternate alternative~~ fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

~~(vV)~~ ~~Use use~~ of an ~~alternate alternative~~ fuel or raw material by a source which:

~~(I)~~ the source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit limitation condition which was established after December 21, 1976; or

~~(II)~~ the source is approved to use under any permit issued under 40 CFR 52.21 or OAC 252:100-7 or 8;

~~(viVI)~~ An ~~an~~ increase in the hours of operation or in the production rate unless such change would be prohibited under any federally enforceable permit limitation condition which was established after December 21, 1976; or

~~(viiVII)~~ any change in source ownership;

(VIII) the addition, replacement, or use of a PCP at an existing emissions unit meeting the requirements of OAC 242:100-8-57 if the replacement control technology provides more effective emissions control than that of the replaced control technology.

(IX) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with OAC 252:100 and other requirements necessary to attain and maintain the NAAQS during the project and after it is terminated.

(B) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under OAC 252:100-8-58 for a PAL for that pollutant. Instead the definition at 40 CFR 51.165(f)(2)(viii) shall apply.

~~"Major stationary source" means:~~

~~(A) any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation; or,~~

~~(B) any physical change that would occur at a source not qualifying under (A) of this definition as a major source, if the change would constitute a major source by itself.~~

~~(C) for ozone, a source that is major for volatile organic compounds shall be considered major.~~

"Net emissions increase" ~~means:~~

(A) With respect to any regulated NSR pollutant emitted by a major stationary source, net emissions increase shall mean ~~The~~ the amount by which the sum of the following exceeds zero:

(i) ~~any~~ the increase in ~~actual~~ emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to OAC 252:100-8-50(b); and,

(ii) any other increases and decreases in actual emission emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under (A)(ii) of this definition shall be determined as provided in the definition of "baseline actual emissions", except that (A)(iii) of that definition shall not apply.

(B) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within 3 years before the date that the increase from the particular change occurs.

(C) An increase or decrease in actual emissions is creditable only if: ~~the Director has not relied on it in issuing a permit under Part 9 of this Subchapter, which permit is in effect when the increase in actual emissions from the particular change occurs.~~

(i) it is contemporaneous;

(ii) the Director has not relied on it in issuing a permit under OAC 252:100-8, Part 9, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(iii) the increase or decrease in emissions did not occur at a Clean Unit, except as provided in 40 CFR 51.165(c)(8) and (d)(10).

(D) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(E) A decrease in actual emissions is creditable only to the extent that:

(i) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) it is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

(iii) ~~the reviewing authority Director~~ has not relied on it in issuing any permit under ~~State air quality rules OAC 252:100; and,~~

(iv) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(v) the decrease in actual emissions did not result from the installation of add-on control technology or application of pollution prevention practices that were relied on in designating an emissions unit as a Clean Unit under 40 CFR 52.21(y) or under OAC 252:100-8-56 or 252:100-8-38. That is, once an emissions unit has been designated as a Clean Unit, the owner or operator cannot later use the emissions reduction from the air pollution control measures that the Clean Unit designation is based on in calculating the net emissions increase for another emissions unit (i.e., must not use that reduction in a "netting analysis" for another emissions unit). However, any new emissions reductions that were not relied upon in a PCP excluded pursuant to OAC 252:100-8-57 or for a Clean Unit designation are creditable to the extent they meet the requirements in OAC 252:100-8-39(f)(4) for the PCP and 40 CFR 51.165(c)(8) or (d)(10) for a Clean Unit.

(F) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. ~~Any replacement~~ unit that requires shakedown becomes operational after a reasonable shakedown period, not to exceed 180 days.

(G) Paragraph 40 CFR 51.165(a)(1)(xxi)(B) of the definition of "actual emissions" shall not apply for determining creditable increases and decreases or after a change.

~~"Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:~~

- ~~(A) Carbon monoxide: 100 tons per year (tpy),~~
- ~~(B) Nitrogen oxides: 40 tpy,~~
- ~~(C) Sulfur dioxide: 40 tpy,~~
- ~~(D) Particulate matter: 15 tpy of PM-10 emissions,~~
- ~~(E) Ozone: 40 tpy of volatile organic compounds, or~~
- ~~(F) Lead: 0.6 tpy.~~

252:100-8-51.1. Emissions reductions and offsets.

The requirements in 40 CFR 51.165(a)(3) regarding emissions reductions and offsets are hereby incorporated by reference as they exist on November 7, 2003.

252:100-8-52. Source applicability Applicability determination for sources in attainment areas causing or contributing to NAAQS violation

~~Proposed new sources and source modifications to which Part 9 of this Subchapter is applicable are determined by size, geographical location and type of emitted pollutants:~~

~~(1) **Size.**~~

~~(A) Permit review will apply to sources and modifications that emit any regulated pollutant in major amounts. These quantities are specified in the definitions for major stationary source, major modification, potential to emit, net emissions increase, significant, and other associated definitions in OAC 252:100-8-51, 252:100-8-1.1, and 252:100-1-3.~~

~~(B) At such time that a particular source or modification becomes major solely by virtue of a relaxation in any enforceable permit limitation which was established after August 7, 1980 on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of Parts 1, 3, 5, and 9 of this Subchapter shall apply to that source or modification as though construction had not yet commenced on it.~~

~~(2) **Location.**~~

~~(A) Sources and modifications that are major in size and proposed for construction in an area which has been designated as nonattainment for any applicable ambient air quality standard are subject to the requirements for the nonattainment area, if the source or modification is major for the nonattainment pollutant(s) of that area.~~

~~(B) In addition, the requirements of a PSD review (Part 7 of this Subchapter) would be applicable if any other regulated pollutant other than the nonattainment pollutant is emitted in significant amounts by that source or modification.~~

~~(3) **Location in attainment or unclassifiable area but causing or contributing to NAAQS violation.**~~

~~(1) The requirements in 40 CFR 51.165(b) regarding a source located in an attainment or unclassifiable area but causing or contributing to a NAAQS violation are hereby incorporated by reference as they exist on November 7, 2003.~~

~~(A) A proposed major source or major modification that would locate in an area designated attainment or unclassifiable is considered to cause or contribute to a violation of the national ambient air quality standards when such source or modification would, as a minimum, exceed the following significance levels at any locality~~

~~that does not or would not meet the applicable national standard:~~

~~(i) SO₂:~~

~~(I) 1.0 µg/m³ annual average;~~

~~(II) 5 µg/m³ 24-hour average;~~

~~(III) 25 µg/m³ 3-hour average;~~

~~(ii) PM₁₀:~~

~~(I) 1.0 µg/m³ annual average;~~

~~(II) 5 µg/m³ 24-hour average;~~

~~(iii) NO₂: 1.0 µg/m³ annual average;~~

~~(iv) CO:~~

~~(I) 500 µg/m³ 8-hour average;~~

~~(II) 2000 µg/m³ one-hour average.~~

~~(B) A proposed major source or major modification subject to OAC 252:100-8-52(3)(A) may reduce the impact of its emissions upon air quality by obtaining sufficient emissions reductions to, at a minimum, compensate for its adverse ambient impact where the proposed source or modification would otherwise cause or contribute to a violation of any national ambient air quality standard. In the absence of such emission reductions, a permit for the proposed source or modification shall be denied.~~

~~(C) The requirements of OAC 252:100-8-52(3)(A) and (B) shall not apply to a major source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated nonattainment.~~

(D~~2~~) Sources of ~~volatile organic compounds~~ VOC located outside a designated ozone nonattainment area will be presumed to have no significant impact on the designated nonattainment area. If ambient monitoring indicates that the area of source location is in fact nonattainment, then the source may be granted its permit since the area has not yet been designated nonattainment.

(E~~3~~) Sources locating in an attainment area but impacting on a nonattainment area above the significant levels listed in OAC ~~252:100-8-52(3)~~ 252:100-8-52(1) are exempted from the condition of OAC 252:100-8-54(4)(A).

(F~~4~~) The determination whether a source or modification will cause or contribute to a violation of an applicable ambient air quality standard for sulfur dioxide, particulate matter or carbon monoxide will be made on a ~~case-by-case~~ case-by-case basis as of the proposed new source's start-up date by an atmospheric simulation model. For sources of nitrogen oxides the model can be used for an initial determination assuming all the nitric oxide emitted is oxidized to nitrogen dioxide

by the time the plume reaches ground level, and the initial concentration estimates will be adjusted if adequate data are available to account for the expected oxidation rate.

(~~G5~~) The determination as to whether a source would cause or contribute to a violation of applicable ambient air quality standards will be made on a ~~case-by-case~~ case-by-case basis as of the new source's start-up date. Therefore, if a designated nonattainment area is projected to be attainment as part of the state implementation plan control strategy by the new source start-up date, offsets would not be required if the new source would not cause a new violation.

252:100-8-53. Exemptions

(a) ~~The requirements in 40 CFR 51.165(a)(4) regarding exemption of fugitive emissions in determining if a source is major are hereby incorporated by reference as they exist on November 7, 2003. Nonattainment area requirements do not apply to a particular source or modification locating in or impacting on a nonattainment area if:~~

~~(1) The source is major by virtue of fugitive emissions, to the extent quantifiable, included in calculating the potential to emit and is a source other than one of the following categories:~~

- ~~(A) carbon black plants (furnace process),~~
- ~~(B) charcoal production plants,~~
- ~~(C) chemical process plants,~~
- ~~(D) coal cleaning plants (with thermal dryers),~~
- ~~(E) coke oven batteries,~~
- ~~(F) fossil fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input,~~
- ~~(G) fossil fuel fired steam electric plant of more than 250 million BTU per hour heat input,~~
- ~~(H) fuel conversion plants,~~
- ~~(I) glass fiber processing plants,~~
- ~~(J) hydrofluoric, sulfuric or nitric acid plants,~~
- ~~(K) iron and steel mills,~~
- ~~(L) kraft pulp mills,~~
- ~~(M) lime plants,~~
- ~~(N) municipal incinerators capable of charging more than 250 tons of refuse per day,~~
- ~~(O) petroleum refineries,~~
- ~~(P) petroleum storage and transfer units with a total storage exceeding 300,000 barrels,~~
- ~~(Q) phosphate rock processing plants,~~
- ~~(R) portland cement plants,~~
- ~~(S) primary aluminum ore reduction plants,~~
- ~~(T) primary copper smelters,~~

~~(U) primary lead smelters,~~
~~(V) primary zinc smelters,~~
~~(W) secondary metal production plants,~~
~~(X) sintering plants,~~
~~(Y) sulfur recovery plants,~~
~~(Z) taconite ore processing plants, or~~
~~(AA) any other stationary source category which, as of August 7, 1980, is being regulated by NSPS or NESHAP.~~

(2b) Nonattainment area requirements do not apply to a particular source or modification locating in or impacting on a nonattainment area if the ~~A~~ source or modification was not subject to 40 CFR Part 51, Appendix S (emission offset interpretative ruling) as in effect on January 16, 1979, and the source:

(A1) ~~Obtained~~ obtained all final federal and state construction permits before August 7, 1980;

(B2) ~~Commenced~~ commenced construction within 18 months from August 7, 1980, or any earlier time required by the State Implementation Plan; and,

(C3) ~~Did~~ did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time.

(bc) Secondary emissions are excluded in determining the potential to emit ~~(see definition of "potential to emit" in 252:100-8-1.1)~~. However, upon determination of the ~~Executive~~ Director, if a source is subject to the requirements on the basis of its direct emissions, the applicable requirements must also be met for secondary emissions but the source would be exempt from the conditions of ~~252:100-8-52(3)(F)~~ OAC 252:100-8-52(4) and 252:100-8-54(1) through 252:100-8-54(3). Also, the indirect impacts of mobile sources are excluded.

(ed) As specified in the applicable definitions, the requirements of Part 7 for PSD and Part 9 for nonattainment areas of this Subchapter are not applicable to a modification if the existing source was not major on August 7, 1980, unless the proposed addition to the existing minor source is major in its own right.

252:100-8-54. Requirements for sources located in nonattainment areas

In the event a major source or modification would be constructed in an area designated as nonattainment for a pollutant for which the source or modification is major, approval shall be granted only if the following conditions are met:

(1) The new source must demonstrate that it has applied control technology which the ~~Executive~~ Director, on a ~~case by~~

~~ease~~ case-by-case basis, determines is achievable for a source based on the lowest achievable emission rate (LAER) achieved in practice by such category of source (i.e., lowest achievable emission rate as defined in the Act).

(2) If the ~~Executive~~ Director determines that imposition of an enforceable numerical emission standard is infeasible due to technological or economic limitations on measurement methodology, a design, equipment, work practice or operational standard, or combination thereof, may be prescribed as the emission limitation rate.

(3) The owner or operator of the new source must demonstrate that all other major sources owned or operated by such person in Oklahoma are in compliance, or are meeting all steps on a schedule for compliance, with all applicable limitations and standards under Oklahoma and Federal Clean Air Acts.

(4) The owner or operator of the new source must demonstrate that upon commencing operations:

(A) The emissions from the proposed source and all other sources permitted in the area do not exceed the planned growth allowable for the area designated in the State Implementation Plan; or,

(B) The total allowable emissions from existing sources in the region and the emissions from the proposed source will be sufficiently less than the total emissions from existing sources allowed under the State Implementation Plan at the date of construction permit application so as to represent further progress toward attainment or maintenance of the ambient air quality standards in the problem area.

(5) The owner or operator may present with the application an analysis of alternate sites, sizes and production processes for such proposed source.

252:100-8-55. Source obligation

(a) Construction permits required. An owner or operator shall obtain a construction permit prior to commencing construction of a new major stationary source or major modification.

(b) Responsibility to comply and the consequences of relaxation of permit conditions. The requirements in 40 CFR 51.165(a)(5) regarding the responsibility to comply with applicable local State or Federal law and the consequences of becoming a major source by virtue of a relaxation in any enforcement limitation are hereby incorporated by reference as they exist on November 7, 2003.

(c) Requirements when using projected actual emissions. The requirements in 40 CFR 51.165(a)(6) regarding the consequences of using projected actual emissions to determine if a project is

a major modification are hereby incorporated by reference as they exist on November 7, 2003.

(d) **Availability of information.** The requirements in 40 CFR 51.165(a)(7) regarding availability of information required to document the use of projected actual emissions for determining if a project is a major modification are hereby incorporated by reference as they exist on November 7, 2003.

252:100-8-56. Clean Unit exclusion

(a) **Incorporation by reference.** The requirements in 40 CFR 51.165(c), except for (c)(9), and (d), except for (d)(11), regarding the Clean Unit exclusion are hereby incorporated by reference as they exist on November 7, 2003.

(b) **Affect of redesignation on Clean Unit status.** If a Clean Unit is located in an area that is redesignated to nonattainment, then within six months after such nonattainment designation, the Clean Unit status expires unless the owner or operator demonstrates to the satisfaction of the Director that the Clean Unit meets a LAER level of control. Thereafter, the unit may not be re-qualified as a Clean Unit unless the unit is determined to meet LAER in accordance with OAC 252:100-8-54.

252:100-8-57. PCP exclusion procedural requirements

PCP shall be addressed in accordance with the requirements in OAC 252:100-8-39.

252:100-8-58. Actuals PALs

The requirements in 40 CFR 51.165(f) regarding actuals PALs are hereby incorporated by reference as they exist on November 7, 2005.

252:100-8-59. Severability

If any provision of this Part, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Part, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.