

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 8. PERMITS FOR PART 70 SOURCES AND MAJOR NEW SOURCE
REVIEW (NSR) SOURCES**

**PART 7. PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
REQUIREMENTS FOR ATTAINMENT AREAS**

252:100-8-36.2. Source obligation

(a) **Obtaining and complying with preconstruction permits.** Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this Part or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this Part who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(b) **Consequences of relaxation of permit requirements.** When a source or modification becomes major solely by virtue of a relaxation in any enforceable permit limitation established after August 7, 1980, on the capacity of the source or modification to emit a pollutant, such as a restriction on hours of operation, then the requirements of OAC 252:100-8, Parts 1, 3, 5, and 7 and 252:100-8-34 through 252:100-8-37 shall apply to that source or modification as though construction had not yet commenced on it.

(c) **Requirements when using projected actual emissions.** The following specific provisions apply to projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) of any regulated NSR pollutant, and the owner or operator elects to use the method specified in (B)(i) through (iii) of the definition of "projected actual emissions" in OAC 252:100-8-31 for calculating projected actual emissions.

(1) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(A) A description of the project;

(B) Identification of the existing emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under (B)(iii) of the definition of "projected actual emissions" in OAC 252:100-8-31 and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(2) **Additional recordkeeping requirements for projects not requiring a PSD or Nonattainment NSR permit, but with a "reasonable possibility" of resulting in a significant emissions increase.** If the project is determined to have a "reasonable possibility" of resulting in a significant emission increase, the owner or operator shall comply with the applicable requirements of subparagraphs (B) through (E) below.

(A) A "reasonable possibility" occurs when:

(i) The owner or operator calculates the project to result in a projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions increase,"

as defined in OAC 252:100-8-31 (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or
(ii) The owner or operator, in accordance with the procedures described in (B)(iii) of the definition of "projected actual emissions" under OAC 252:100-8-31, excludes a portion of one or more existing unit's emissions from the calculation of "projected actual emissions," and, if the owner or operator had not excluded those emissions, the projected actual emissions increase would be at least 50 percent of the amount that is a "significant emissions increase," as defined in OAC 252:100-8-31 (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.

(B) If the emissions unit is an existing EUSGU, before beginning actual construction, the owner or operator shall provide a copy of the information set out in OAC 252:100-8-36.2(c)(1) to the Director. Nothing in OAC 252:100-8-36.2(c)(2)(B) shall be construed to require the owner or operator of such a unit to obtain any determination from the Director before beginning actual construction.

~~(3)~~(C) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in OAC 252:100-8-36.2(c)(1)(B); and calculate and maintain a record of the annual emissions, in TPY on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

~~(4)~~(D) If the unit is an existing EUSGU, the owner or operator shall submit a report to the Director within 60 days after the end of each year during which records must be generated under OAC 252:100-8-36.2~~(e)~~~~(3)~~(c)(2)(C) setting out the unit's annual emissions during the calendar year that preceded submission of the report.

~~(5)~~(E) If the unit is an existing unit other than an EUSGU, the owner or operator shall submit a report to the Director if the annual emissions, in TPY, from the project identified in OAC 252:100-8-36.2(c)(1), exceed the baseline actual emissions (as documented and maintained pursuant to 252:100-8-36.2(c)(1)(C)) by an amount that is significant for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to 252:100-8-36.2(c)(1)(C). Such report shall be submitted to the Director within 60 days after the end of such year. The report shall contain the following:

~~(A)~~(i) The name, address and telephone number of the major stationary source;

~~(B)~~(ii) The annual emissions as calculated pursuant to OAC 252:100-8-36.2~~(e)~~~~(3)~~(c)(2)(C); and

~~(C)~~(iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(3) [RESERVED]

(4) [RESERVED]

(5) [RESERVED]

(6) The owner or operator of the source shall make the information required to be documented and maintained pursuant to OAC 252:100-8-36.2(c) available for review upon request for inspection by the Director or the general public.

(7) The requirements of OAC 252:100-8-34 through 252:100-8-36.2 shall apply as if construction has not yet commenced at any time that a project is determined to be a major modification based on any credible evidence, including but not limited to emissions data produced after the project is completed. In any such case, the owner or operator may be subject to enforcement for failure to obtain a PSD permit prior to beginning actual construction.

(8) If an owner or operator materially fails to comply with the provisions of OAC 252:100-8-36.2(c), then the calendar year emissions are presumed to equal the source's potential to emit.