



Ohio Administrative Code

Rule 3745-31-21 Nonattainment provisions - review of major stationary sources and major modifications - stationary source applicability and exemptions.

Effective: April 1, 2025

[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 (AA) of rule 3745-31-01 of the Administrative Code entitled, "referenced materials."]

(A) Start construction limitation.

No owner or operator of a major stationary source or major modification located in a nonattainment area shall begin actual construction of such major stationary source or major modification unless, as a minimum, rules 3745-31-21 to 3745-31-27 of the Administrative Code have been met and the owner or operator of the stationary source has obtained a valid Ohio environmental protection agency permit-to-install.

(B) Air pollutants covered.

Rules 3745-31-21 to 3745-31-27 of the Administrative Code shall apply to any major stationary source and any major modification with respect to each regulated NSR pollutant that the stationary source would emit, except as this rule would otherwise allow. Rules 3745-31-21 to 3745-31-27 of the Administrative Code applicable to major stationary sources and major modifications of VOCs apply to nitrogen oxides emissions from major stationary sources and major modifications of nitrogen oxides in an ozone transport region or in any ozone nonattainment area, except in ozone nonattainment areas or in portions of an ozone transport region where the administrator of the USEPA has granted a nitrogen oxides waiver applying the standards set forth under section 182(f) of the Clean Air Act and the waiver continues to apply.

(C) Attainment/nonattainment applicability.

Except as provided in rules 3745-31-21 and 3745-31-23 of the Administrative Code, rules 3745-31-



21 to 3745-31-27 of the Administrative Code apply only to any major stationary source or major modification that would be constructed in an area designated under 40 CFR 81.336 as nonattainment for an air pollutant for which the stationary source or modification is major.

(D) PM10 precursors.

Major stationary sources and major modifications of PM10 precursors shall be subject to the control requirements that are applicable under plans in effect under Section 189 of the Clean Air Act for major stationary sources and major modifications of PM10, except where the director determines that such major stationary sources do not contribute significantly to PM10 levels that exceed the PM10 standard in the area.

(E) Clean coal technology.

Consistent with the Clean Air Act, Ohio environmental protection agency shall apply the following requirements for clean coal technology demonstrations:

(1) Applicability.

This paragraph applies to physical or operation changes to existing facilities for the sole purpose of installation, operation, cessation, or removal of a temporary or permanent clean coal technology demonstration project.

(2) Temporary clean coal technology demonstration projects.

Installation, operation, cessation, or removal of a temporary clean coal technology demonstration project shall not subject such demonstration project to the requirements of Section 111 or Part D of Title I of the Clean Air Act.

(3) Permanent clean coal technology demonstration projects.

For permanent clean coal technology demonstration projects that constitute repowering, as defined in Section 402(12) of Title IV, (acid deposition control) of the Clean Air Act, any qualifying clean coal



technology demonstration project shall not be subject to standards of performance under Section 111 of the Clean Air Act or to the review and permitting requirements of Part C of Title I of the Clean Air Act for any air pollutant the potential emissions of which will not increase as a result of the clean coal technology demonstration project.

(4) Exemption for reactivation of very clean coal technology units.

Physical changes or changes in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation shall not subject the emissions unit to the requirements of Section 111 or Part C of Title I of the Clean Air Act where the emissions unit:

(a) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such emissions unit continue to be carried in the director's emission inventory at the time of enactment.

(b) Was equipped prior to shut-down with a continuous system of emission control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five per cent and a removal efficiency for particulate matter of no less than ninety-eight per cent.

(c) Is equipped with low-NO_x burners prior to the time of commencement.

(d) Is otherwise in compliance with the requirements of the Clean Air Act.

(F) Secondary emissions.

If a major stationary source is subject to this rule on the basis of the direct emissions from the major stationary source, the applicable conditions of this rule shall also be met for secondary emissions. However, secondary emissions may be exempt from LAER requirements and compliance certification requirements under paragraphs (A)(1) and (A)(2) of rule 3745-31-22 of the Administrative Code. Consideration of the indirect impacts of motor vehicles and aircraft traffic regulated under Title II of the Clean Air Act (motor vehicles and aircraft) is not required under this rule.



(G) Anti-backsliding.

In any area designated nonattainment for the 2008 ozone national ambient air quality standard and designated nonattainment for the 1997 ozone national ambient air quality standard on April 6, 2015, the anti-backsliding provisions in 40 CFR 51.1105 apply to major stationary sources and major modifications.