

3745-77-01 **Definitions.**

The following definitions shall apply to this chapter:

- (A) "Act" means the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq.
- (B) "Administrator" means the administrator of the United States environmental protection agency or the chief executive officer of any successor federal agency responsible for implementation of the Act.
- (C) "Administrative permit amendment" means a permit revision that:
- (1) Corrects typographical errors;
 - (2) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
 - (3) Requires more frequent monitoring or reporting by the permittee;
 - (4) Allows for a change in ownership or operational control of a source where the director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the director;
 - (5) Incorporates into the Title V permit the federally enforceable requirements in a permit to install issued pursuant to Chapter 3745-31 of the Administrative Code provided that such permit to install was issued consistent with procedural requirements applicable to the change if it were subject to review as a Title V permit modification, and compliance requirements substantially equivalent to those contained in rule 3745-77-07 of the Administrative Code; or
 - (6) Incorporates any other type of change that the administrator has determined to be similar to those revisions set forth in paragraph (C)(1) to (C)(4) of this rule.
- (D) "Affected source" shall have the meaning given to it in the regulations promulgated under Title IV of the Act.
- (E) "Affected states" are all states:

- (1) That
 - (a) Are contiguous to Ohio, and
 - (b) Whose air quality may be affected by emissions from the facility seeking the Title V permit issuance, modification, or permit renewal being proposed; or
 - (2) That are within fifty miles of the permitted source.
- (F) "Affected unit" shall have the meaning given to it in the regulations promulgated under Title IV of the Act:
- (G) "Agency" means the Ohio environmental protection agency or its director as the context or other law or rules may require.
- (H) "Applicable requirement" means all of the following federal requirements as they apply to emissions units in a Title V source subject to this chapter, including requirements that have been promulgated or approved by the administrator through rulemaking at the time of issuance but have future-effective compliance dates:
- (1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the administrator through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;
 - (2) Any federally enforceable term or condition of any preconstruction permit issued pursuant to regulations approved or promulgated through rulemaking under Title I, including Parts C or D, of the Act;
 - (3) Any standard or other requirement under section 111 of the Act, including section 111(d);
 - (4) Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act, provided however that the contents of a risk management plan required under section 112(r) of the Act need not be included in the Title V permit application or permit.

- (5) Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;
 - (6) Any requirements established pursuant to section 114(a)(3) or section 504(b) of the Act;
 - (7) Any standard or other requirement governing solid waste incineration under section 129 of the Act;
 - (8) Any standard or other requirement for consumer and commercial products under section 183(e) of the Act;
 - (9) Any standard or other requirement for tank vessels under section 183(f) of the Act;
 - (10) Any standard or other requirement of the program to control air pollution from outer continental shelf sources under section 328 of the Act;
 - (11) Any standard or other requirement of the regulations promulgated by the administrator to protect stratospheric ozone under Title VI of the Act, unless the administrator has determined that such requirements need not be contained in a Title V permit; and
 - (12) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.
- (I) "Applicable implementation plan" means the portion (or portions) of the state implementation plan, or most recent revision thereof, that has been approved under section 110 of the Act, or promulgated under section 110(c) of the Act.
- (J) "Approval of the Title V permit program" means the date that the Ohio Title V permit program has been given approval by the administrator pursuant to section 502 of the Act.
- (K) "Designated representative" shall have the meaning given to it in section 402(26) of the Act and the regulations promulgated thereunder.
- (L) "Director" means the director of environmental protection.

- (M) "Draft permit" means the version of a permit for which the director offers public participation under rule 3745-77-08 of the Administrative Code or affected state review under rule 3745-77-09 of the Administrative Code.
- (N) "Emissions allowable under the Title V permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.
- (O) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(B) of the Act. The term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Act.
- (P) "Equivalent alternative emission limit" means an emission limit, including operating restrictions, that meets the criteria of division (E) of section 3704.03 and division (K) of section 3704.036 of the Revised Code.
- (Q) "Facility" means all of the emitting activities that are located on contiguous or adjacent properties that are under the control of the same person or persons or under common control and that are in the same major group as described in the Standard Industrial Classification Manual, 1987.
- (R) "Final permit" means the version of a Title V permit issued by the director for which all review procedures required by rule 3745-77-08 of the Administrative Code have been completed, or a Title V permit issued by the administrator pursuant to 40 CFR 70.8(C)(4).
- (S) "Fugitive emissions" are those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (T) "General permit" means a Title V permit that meets the requirements of paragraph (D) of rule 3745-77-07 of the Administrative Code.
- (U) "Insignificant activities and emissions levels" means any of the following:
- (1) All source categories excluded from the requirements to obtain installation permits or operating permits under section 3704.011 of the Revised Code or Chapter 3745-15, 3745-31, or 3745-35 of the Administrative Code;

- (2) All source categories specifically exempted under 40 CFR Part 70; or
 - (3) Any emission unit with uncontrolled potential emissions of five tons or less per year of any regulated air pollutant other than a hazardous air pollutant and not more than twenty per cent of an applicable major source threshold under the Act.
 - (4) Any research and development source that is by itself not a major source.
- (V) "Hazardous air pollutant" means any pollutant listed under section 112(b) of the Act.
- (W) "Major source" means any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties and under common control of the same person (or persons under common control) belonging to a single major industry grouping and that are described in paragraph (W)(1), (W)(2), or (W)(3) of this rule. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.
- (1) A major source under section 112 of the Act, which is defined as:
 - (a) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year ("TPY") or more of any hazardous air pollutant, twenty-five TPY or more of any combination of hazardous air pollutants, or such lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control to determine whether such units or stations are major sources; or
 - (b) For radionuclides, "major source" shall have the meaning specified by the administrator by rule.
 - (2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit, one hundred TPY or more of

any air pollutant (including any major source of fugitive emissions of any such pollutant as determined by rule by the administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary sources:

- (a) Coal cleaning plants (with thermal dryers);
- (b) Kraft pulp mills;
- (c) Portland cement plants;
- (d) Primary zinc smelters;
- (e) Iron and steel mills;
- (f) Primary aluminum ore reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (i) Hydrofluoric, sulfuric, or nitric acid plants;
- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;

- (q) Fuel conversion plants;
 - (r) Sintering plants;
 - (s) Secondary metal production plants;
 - (t) Chemical process plants;
 - (u) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million british thermal units per hour heat input;
 - (v) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;
 - (w) Taconite ore processing plants;
 - (x) Glass fiber processing plants;
 - (y) Charcoal production plants;
 - (z) Fossil-fuel-fired steam electric plants of more than two hundred fifty million british thermal units per hour heat input; or
 - (aa) ~~All~~ Any other stationary source categories which, as of August 07, 1980, are regulated by a standard promulgated under section 111 or 112 of the Act, ~~but only with respect to those air pollutants that have been regulated for that category;~~
- (3) A major stationary source as defined in part D of Title I of the Act, including:
- (a) For ozone nonattainment areas, sources with the potential to emit one hundred TPY or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty TPY or more in areas classified as "serious," twenty-five TPY or more in areas classified as "severe," and ten TPY or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten TPY of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

- (b) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit fifty TPY or more of volatile organic compounds;
 - (c) For carbon monoxide nonattainment areas:
 - (i) That are classified as "serious," and
 - (ii) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit fifty TPY or more of carbon monoxide; and
 - (d) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit seventy TPY or more of PM-10.
- (X) "Non major source" or "minor source" means any stationary source that does not meet the definition of "major source" stated in paragraph (W) of this rule.
- (Y) "Part 70" or "part 70 regulations" means regulations promulgated by the administrator and published at 40 CFR Part 70.
- (Z) "Permit modification" means a revision to a Title V permit that meets the requirements of rule 3745-77-08 of the Administrative Code.
- (AA) "Permit revision" means any permit modification or administrative permit amendment.
- (BB) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable or legally and practicably enforceable by the state. Secondary emissions do not count in determining the potential to emit of a stationary source.
- (CC) "Proposed permit" means the version of a Title V permit that the director intends to issue and forwards to the administrator for review in compliance with rule 3745-77-08 of the Administrative Code. The preparation and forwarding of a

proposed permit shall not constitute a proposed action or a final action of the director.

(DD) "Regulated air pollutant" means the following:

- (1) Nitrogen oxides or any volatile organic compounds;
- (2) Any pollutant for which a national ambient air quality standard has been promulgated;
- (3) Any pollutant subject to any standard promulgated under section 111 of the act;
- (4) Any class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
- (5) Any pollutant subject to a standard promulgated under section 112 of the Act or other requirement established under section 112 including sections 112(g), (j), and (r) of the Act, including the following; (a) any pollutant subject to requirements under section 112(j) of the Act. If the administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated as to that source on the date eighteen months after the applicable date established pursuant to section 112(e) of the Act; and (b) any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to section 112(g)(2) of the Act.

(EE) "Renewal" means the process by which a permit may be reissued at the end of its term.

(FF) "Research and development sources" shall have the same meaning as in section 3704.01 of the Revised Code.

(GG) "Responsible official" means one of the following:

- (1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either;

- (a) The facilities employ more than two hundred fifty persons or have gross annual sales or expenditures exceeding twenty five million dollars (in second quarter 1980 dollars); or
 - (b) The delegation of authority to such representatives is approved in advance by the director;
 - (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - (3) For a municipality or state, federal, or other public agency: either a principal executive officer or ranking elected official. For purposes of these regulations, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of the United States environmental protection agency); or
 - (4) For affected sources:
 - (a) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and
 - (b) The designated representative for any other purposes under these regulations.
- (HH) "Stationary source" or "source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act.
- (II) "Synthetic minor source" means a stationary source that would be classified as a major source in the absence of restrictions on the potential to emit of the source. These restrictions include those that are federally enforceable and those that are legally and practicably enforceable by the state.
- (JJ) "Title I modification" or "modification under any provision of Title I of the Act" means any modification under sections 111 or 112 of the Act and any major modification under Parts C or D of Title I of the Act.
- (KK) "Title V permit" or "permit" (unless the context suggests otherwise) means any permit or group of permits covering a Title V source that is issued, renewed,

amended, or modified pursuant to Chapter 3745-77 of the Administrative Code.

(LL) "Title V source" means any source subject to the permitting requirements of this chapter, as provided in rule 3745-77-02 of the Administrative Code.

(MM) "Uncontrolled potential emissions" means the calculated annual emissions rate without any air pollution controls assuming twenty-four hours per day and three hundred sixty-five days per year of operation. If the emission unit has an inherent physical limitation, then the number of hours per day and days per year can be restricted to the maximum possible under the inherent physical limitation.

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