

3745-77-01

Definitions.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the "Referenced materials" section at the end of this rule.]

The following definitions shall apply to this chapter:

- (A) "Act" means the federal Clean Air Act, as ~~amended November 15, 1990, 42 U.S.C. 7401 et seq~~ defined in section 3704.01 of the Revised Code.
- (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~~ 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 paragraphs (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~~ Contiguous to Ohio, whose air quality may be affected by emissions from the facility seeking the Title V permit issuance, modification, or permit renewal being proposed; or

~~(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~~ Section 111 of the Act, including ~~section~~ Section 111(d);

- (4) Any standard or other requirement under ~~section~~ Section 112 of the Act, including any requirement concerning accident prevention under ~~section~~ Section 112(r)(7) of the Act, provided however that the contents of a risk management plan required under ~~section~~ 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~~ Section 114(a)(3) or ~~section~~ Section 504(b) of the Act;
 - (7) Any standard or other requirement governing solid waste incineration under ~~section~~ Section 129 of the Act;
 - (8) Any standard or other requirement for consumer and commercial products under ~~section~~ Section 183(e) of the Act;
 - (9) Any standard or other requirement for tank vessels under ~~section~~ 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~~ 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~~ Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to ~~section~~ 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~~ Section 110 of the Act, or promulgated under ~~section~~ 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~~ Section 502 of the Act.

- (K) "Designated representative" shall have the meaning given to it in ~~section 402(26)~~ paragraph (26) of Section 402 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~~ Section 112(B)(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) "FEPTIO" means federally enforceable permit-to-install and operate.
- ~~(R)~~(S) "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)~~(T) "Fugitive emissions" are those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- ~~(T)~~(U) "General permit" means a Title V permit that meets the requirements of paragraph

(D) of rule 3745-77-07 of the Administrative Code.

~~(U)~~(V) "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)~~(W) "Hazardous air pollutant" means any pollutant listed under ~~section~~ Section 112(b) of the Act.

~~(W)~~(X) "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)~~ (X)(1), (X)(2), or (X)(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~~ 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~~ 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~~ 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 except for ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
 - (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) Any other stationary source categories ~~which~~ that, as of August 07 7, 1980, are regulated by a standard promulgated under section 111 or 112 of the Act.
- (3) A major stationary source as defined in ~~part~~ 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~~ Section 182(f)(1) or (2) of the Act, that requirements under ~~section~~ Section 182(f) of the Act do not apply;
- (b) For ozone transport regions established pursuant to ~~section~~ 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)~~(Y) "~~Non-major~~Non-major source" or "minor source" means any stationary source that does not meet the definition of "major source" ~~stated in paragraph (W) of~~ as defined in this rule.

~~(Y)~~(Z) "Part 70" or "part 70 regulations" means regulations promulgated by the administrator and published at 40 CFR Part 70.

~~(Z)~~(AA) "Permit modification" means a revision to a Title V permit that meets the requirements of rule 3745-77-08 of the Administrative Code.

~~(AA)~~(BB) "Permit revision" means any permit modification or administrative permit amendment.

~~(BB)~~(CC) "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)~~(DD) "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.

~~(EE)~~ "PTIO" means permit-to-install and operate.

~~(DD)~~(FF) "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~~ 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~~ Section 112 of the Act or other requirement established under section 112 including ~~sections~~ Sections 112(g), (j), and (r) of the Act, including the following; (a) any pollutant subject to requirements under ~~section~~ 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~~ Section 112(e) of the Act; and (b) any pollutant for which the requirements of ~~section~~ Section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to ~~section~~ Section 112(g)(2) of the Act.

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

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

~~(GG)~~(II) "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.

(JJ) "Significant emissions unit" means any air contaminant emission activity or emissions unit regulated pursuant to this chapter, but does not include air contaminant emission units or activities;

(1) Described in paragraphs (V)(1) to (V)(4) of this rule; or

(2) Identified as trivial air contaminant emission activities for preparing Title V permit applications in Ohio environmental protection agency's "Engineering Guide 62."

~~(HH)~~(KK) "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 Section 112(b) of the Act.

(LL) "Statement of basis" or "SOB" means a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions).

~~(H)~~(MM) "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)~~(NN) "Title I modification" or "modification under any provision of Title I of the Act" means any modification under sections Sections 111 or 112 of the Act and any major modification under Parts Part C or D of Title I of the Act.

~~(KK)~~(OO) "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 this chapter.

~~(LL)~~(PP) "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.

(QQ) "TPY" means tons per year.

~~(MM)~~(RR) "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.

~~(NN)(SS) Incorporation by reference.~~ Referenced materials. This chapter includes references to certain matter or materials. The text of the ~~incorporated~~ referenced materials is not included in the ~~regulations~~ rules contained in this chapter. ~~The materials are hereby made a part of the regulations in this chapter.~~ Information on the availability of the referenced materials as well as the date of, and/or the particular edition or version of the material is included in this rule. For materials subject to change, only the specific ~~version~~ versions specified in the ~~regulation~~ are incorporated this rule are referenced. Material is ~~incorporated~~ referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to ~~are a~~ a referenced document is not ~~incorporated~~ applicable unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials ~~incorporated by reference~~ are available as follows:

- (a) ~~Clean Air Act as defined in paragraph (A) of this rule.~~ Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1990 is also available in electronic format at www.epa.gov/oar/caa/. A copy of the Act is also available for inspection and copying at "The State Library of Ohio."
- (b) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at www.access.gpo.gov/nara/cfr/. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (c) Engineering guides. Information and copies may be obtained by writing to: "Ohio EPA Division of Air Pollution Control, PO Box 1049, Columbus, Ohio 43216-1049." The full texts of the engineering guides are also available in electronic format at <http://www.epa.ohio.gov/dapc/engineer/eguides.aspx>. Ohio EPA engineering guides are also available for inspection and copying at the "State Library of Ohio."
- (d) North American industry classification system (NAICS) codes. Information and copies may be obtained by contacting the National Technical Information Service at 1-800-553-6847. The codes are also available in electronic format at www.census.gov/epcd/www/naics.html.

(e) Ohio EPA weekly review. Information and copies may be obtained by writing to: "Ohio EPA Legal Department, PO Box 1049, Columbus, Ohio, 43216-1049." The full text of the Ohio EPA Weekly Review is also available in electronic format at <http://epa.ohio.gov/legal/pubnots.aspx>. The Ohio EPA Weekly Review compilations are also available for inspection and copying at most Ohio public libraries and "The State Library of Ohio."

(f) Standard Industrial Classification Manual (SICM). Information and copies may be ordered by writing to: "U.S. Department of Commerce, Technology Administration, National Technical Information Service, Springfield, Virginia, 22161." or by calling 1-800-553-6847. A copy of the manual is also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated Referenced materials.

(a) Clean Air Act, as amended November 15, 1990, 42 U.S.C. 7401 et seq.

(a) 40 CFR 61.145; "Standard for demolition and renovation;" 55 FR 48419, Nov. 20, 1990; 56 FR 1669, Jan. 16, 1991.

(b) 40 CFR 70.3; "Applicability;" 57 FR 32295, July 21, 1992, as amended at 70 FR 75346, Dec. 19, 2005.

(c) 40 CFR 70.4; "State program submittals and transition;" 57 FR 32295, July 21, 1992, as amended at 61 FR 31448, June 20, 1996; 61 FR 56370, Oct. 31, 1996; 66 FR 27010, May 15, 2001.

(d) 40 CFR 70.5; "Permit applications;" as published in the July 1, 2009 Code of Federal Regulations.

(e) 40 CFR 70.8; "Permit review by EPA and affected States;" as published in the July 1, 2009 Code of Federal Regulations.

(f) 40 CFR Part 2; "Public information;" as published in the July 1, 2009 Code of Federal Regulations.

(g) 40 CFR Part 52; "Approval and promulgation of implementation plans;" as published in the July 1, 2009 Code of Federal Regulations.

(h) 40 CFR Part 60, Subpart AAA; "Standards of Performance for New Residential Wood Heaters;" 53 FR 5873-5874, Feb. 26, 1988, as amended at 53 FR 12009, Apr. 12, 1988; 53 FR 14889, Apr. 26, 1988; 57 FR 5328, Feb. 13, 1992; 60 FR 33925, June 29, 1995; 53 FR 5873,

Feb. 26, 1988; 63 FR 64874, Nov. 24, 1998; 64 FR 7466, Feb. 12, 1999; 65 FR 61763-61764, Oct. 17, 2000.

- (i) 40 CFR Part 61, Subpart M; "National Emission Standard for Asbestos;" 49 FR 13661, Apr. 5, 1984 as amended by 49 FR 25453, June 21, 1984; 51 FR 8199, Mar. 10, 1986; 53 FR 36972, Sept. 23, 1988; 55 FR 48414, 48416, 48419, 48424, 48429-48433, Nov. 20, 1990; 56 FR 1669, Jan. 16, 1991; 55 FR 48424, Nov. 20, 1991; 60 FR 31920, June 19, 1995; 64 FR 7467, Feb. 12, 1999; 68 FR 54793, Sept. 18, 2003; 69 FR 43324, July 20, 2004.
- (j) 40 CFR Part 63, Subpart M; "National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;" 58 FR 49376, Sept. 22, 1993, as amended at 58 FR 66289, Dec. 20, 1993; 61 FR 27788, June 3, 1996; 61 FR 49265, Sept. 19, 1996; 64 FR 69643, Dec. 14, 1999; 68 FR 37347, June 23, 2003; 70 FR 75345, Dec. 19, 2005; 71 FR 42743, July 27, 2006; 71 FR 55280, Sept. 21, 2006.
- (k) 40 CFR Part 63, Subpart N; "National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;" 60 FR 4963, Jan. 25, 1995, as amended at : 60 FR 33122, June 27, 1995; 61 FR 27787, June 3, 1996; 62 FR 4465, Jan. 30, 1997; 62 FR 42920, Aug. 11, 1997; 64 FR 69643, 68 FR 37347, June 23, 2003; Dec. 14, 1999; 69 FR 42894, July 19, 2004; 70 FR 75345, Dec. 19, 2005; 71 FR 20456, Apr. 20, 2006.
- (l) 40 CFR Part 63, Subpart O; "Ethylene Oxide Emissions Standards for Sterilization Facilities;" 59 FR 62589, Dec. 6, 1994, as amended at 61 FR 27788, June 3, 1996; 63 FR 66994, Dec. 4, 1998; 64 FR 67793, Dec. 3, 1999; 64 FR 69643, Dec. 14, 1999; 66 FR 55582, Nov. 2, 2001; 68 FR 37348, June 23, 2003; 70 FR 75345, Dec. 19, 2005.
- (m) 40 CFR Part 63, Subpart T; "National Emission Standards for Halogenated Solvent Cleaning;" 59 FR 61805-61818, Dec. 2, 1994; 59 FR 67750, Dec. 30, 1994, as amended at 60 FR 29485, June 5, 1995; 63 FR 24751, May 5, 1998; 63 FR 68400, Dec. 11, 1998; 64 FR 67798-67802, Dec. 3, 1999; 64 FR 69643, Dec. 14, 1999; 65 FR 54422-54423, Sept. 8, 2000; 68 FR 37349, June 23, 2003; 70 FR 75345, Dec. 19, 2005; 72 FR 25157, May 3, 2007.
- (n) 40 CFR 63, Subpart RRR; "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production;" 65 FR 15710, Mar. 23, 2000, as amended at 67 FR 59791, Sept. 24, 2002; 67 FR 79814, Dec. 30, 2002; 69 FR 53984, Sept. 3, 2004; 70 FR 57517, Oct. 3, 2005; 70 FR 75346, Dec. 19, 2005; 71 FR 20461, Apr. 20, 2006.

- ~~(b)~~(o) 40 CFR Part 70; "State Operating Permit Programs"; Federal Register Vol. 57, No. 140, July 21, 1992; as amended at 61 FR 31448, June 20, 1996; 61 FR 56370, Oct. 31, 1996; 66 FR 27010, May 15, 2001; 66 FR 59166, Nov. 27, 2001; 69 FR 31505, June 3, 2004.
- (p) 40 CFR Part 72; "Permits Regulation;" as published in the July 1, 2009 Code of Federal Regulations.
- (q) Clean Air Act; contained in 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (r) Engineering Guide 62; "Identification of Trivial Air Contaminant Emission Activities for Preparing Title V Permit Applications;" most current form as reviewed and approved by the Ohio EPA division of air pollution control; as issued November 6, 1995.
- (s) Part C of Title I, of the Clean Air Act; contained in 42 USC 7470 to 7492 "Prevention of significant deterioration of air quality;" published January 8, 2008 in supplement I of the 2006 edition of United States Code.
- (t) Part D of Title I of the Clean Air Act; contained in 42 USC 7501 to 7515; "Plan Requirements for Non Attainment Areas;" published January 8, 2008 in Supplement I of the 2006 edition of the United States Code.
- (u) Section 110 of the Clean Air Act; contained in 42 USC 7410; "State implementation plans for national primary and secondary ambient air quality standards;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (v) Section 111 of the Clean Air Act; contained in 42 USC 7411; "Standards of performance for new stationary sources;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (w) Section 112 of the Clean Air Act; contained in 42 USC 7412; "Hazardous Air Pollutants;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (x) Section 114 of the Clean Air Act; contained in 42 USC 7414; "Recordkeeping, inspections, monitoring, and entry;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (y) Section 123 of the Clean Air Act; contained in 42 USC 7423; "Stack heights;" published January 8, 2008 in supplement I of the 2006 edition

of the United States Code.

- (z) Section 129 of the Clean Air Act; contained in 42 USC 7429; "Solid Waste Combustion;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (aa) Section 182 of the Clean Air Act; contained in 42 USC 7511a; "Plan submissions and requirements;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (bb) Section 183 of the Clean Air Act; contained in 42 USC 7511b; "Federal ozone measures;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (cc) Section 184 of the Clean Air Act; contained in 42 USC 7511c; "Control of interstate ozone air pollution;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (dd) Section 302 of the Clean Air Act; contained in 42 USC 7602; "Definitions;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (ee) Section 303 of the Clean Air Act; contained in 42 USC 7603; "Emergency powers;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (ff) Section 328 of the Clean Air Act; contained in 42 USC 7627; "Air pollution from Outer Continental Shelf activities;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.
- (gg) Section 402 of the Clean Air Act, contained in 42 USC 7651a; "Definitions;" published January 8, 2008 in supplement I of the 2006 Edition of the United States Code.
- (hh) Section 408 of the Clean Air Act; contained in 42 USC 7651g; "Permits and compliance plans;" published January 8, 2008 in supplement I of the 2006 Edition of the United States Code.
- (ii) Section 502 of the Clean Air Act; contained in 42 USC 7661;" Permit Programs;" published January 8, 2008 in supplement I of the 2006 Edition of the United States Code.
- (jj) Section 503 of the Clean Air Act; contained in 42 USC 7661b; "Permit applications;" published January 8, 2008 in supplement I of the 2006 Edition of the United States Code.
- (kk) Section 504 of the Clean Air Act; contained in 42 USC 7661c; "Permit

requirements and conditions;" published January 8, 2008 in supplement I of the 2006 Edition of the United States Code.

(ll) Standard Industrial Classification Manual; United States. Office of Management and Budget. Last amended 1988.

(mm) Title I of the Clean Air Act, contained in 42 USC 7401 to 7515; "Air Pollution Prevention and control;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.

(nn) Title IV of the Clean Air Act; contained in 42 USC 7651 to 7651o; "Acid Deposition Control;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.

(oo) Title V of the Clean Air Act, contained in 42 USC 7661 to 7661f; "Permits;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.

(pp) Title VI of the Clean Air Act; contained in 42 USC 7671 to 7671q; "Stratospheric Ozone Protection;" published January 8, 2008 in supplement I of the 2006 edition of the United States Code.

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Certification

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