

3745-103-60

**Early election for group one, phase II boilers.**

[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 (C) of rule 3745-103-01 of the Administrative Code titled "Referenced materials."]

**(A) General provisions.**

- (1) The owner or operator of a phase II coal-fired utility unit with a group one boiler may elect to have the unit become subject to the applicable emissions limitation for NO<sub>x</sub> under rule 3745-103-57 of the Administrative Code, starting no later than January 1, 1997.
- (2) The owner or operator of a phase II coal-fired utility unit with a group one boiler that elects to become subject to the applicable emission limitation under rule 3745-103-57 of the Administrative Code shall not be subject to rule 3745-103-59 of the Administrative Code until January 2008, provided the designated representative demonstrates that the unit is in compliance with the limitation under rule 3745-103-57 of the Administrative Code, using the methods and procedures specified in 40 CFR Part 75, for the period beginning January first of the year in which the early election takes effect (but not later than January 1, 1997) and ending December 31, 2007.
- (3) The owner or operator of any phase II unit with a cell burner boiler that converts to conventional burner technology may elect to become subject to the applicable emissions limitation under rule 3745-103-57 of the Administrative Code for dry bottom wall-fired boilers, provided the owner or operator complies with the provisions in paragraph (A)(2) of this rule.
- (4) The owner or operator of a phase II unit approved for early election shall not submit an application for an alternative emissions limitation demonstration period under rule 3745-103-62 of the Administrative Code until the earlier of:
  - (a) January 1, 2008.
  - (b) Early election is terminated pursuant to paragraph (D)(3) of this rule.
- (5) The owner or operator of a phase II unit approved for early election may not incorporate the unit into an averaging plan prior to January 1, 2000. On or after January 1, 2000, for purposes of the averaging plan, the early election unit will be treated as subject to the applicable emissions limitation for NO<sub>x</sub> for phase II units with group one boilers under rule 3745-103-59 of the Administrative Code.

- (B) Designated representative. In order to obtain early election status, the designated representative of a phase II unit with a group one boiler shall have submitted an early election plan to USEPA by January 1, 1997, and USEPA shall have approved such plan.
- (C) Ohio EPA's action. Beginning January 1, 2000, the director shall approve any early election plan previously approved by USEPA during phase I, unless the plan is terminated pursuant to paragraph (D)(3) of this rule.
- (D) Special provisions.
- (1) Nitrogen oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO<sub>x</sub> as provided under paragraph (A) (2) of this rule except as provided under paragraph (D)(3)(b)(i) of this rule.
  - (2) Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or this rule at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.
  - (3) Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January first of the calendar year for which a termination of the plan takes effect.
    - (a) If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under rule 3745-103-57 of the Administrative Code for any year during the period beginning January first of the first year the early election plan takes effect and ending December 31, 2007, the director shall terminate the plan. The termination will take effect beginning January first of the year after the year for which there is a failure to demonstrate compliance. The designated representative may not submit a new early election plan.
    - (b) The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative ~~must~~ shall submit a notice under paragraph (C) of rule 3745-103-09 of the Administrative Code by January first of the year for which the termination is to take effect.
      - (i) If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions

limitation for NO<sub>x</sub> for phase II units with group one boilers under rule 3745-103-59 of the Administrative Code.

- (ii) If an early election plan is terminated in or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for phase II units with group one boilers under rule 3745-103-59 of the Administrative Code.

Effective: 9/25/2023

Five Year Review (FYR) Dates: 5/26/2023 and 05/26/2028

CERTIFIED ELECTRONICALLY

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Certification

09/15/2023

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Date

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