

[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 this rule titled "Referenced materials."]

(A) Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code apply to this chapter.

(B) As used in this chapter:

(1) "Acid rain compliance option" means one of the methods of compliance used by an affected unit under the acid rain program as described in a compliance plan submitted and approved in accordance with rule 3745-103-09 of the Administrative Code, rules 3745-103-22 to 3745-103-54 of the Administrative Code, and 40 CFR Part 76.

(2) "Acid rain emissions limitation" means:

(a) For the purposes of sulfur dioxide emissions:

(i) The tonnage equivalent of the allowances authorized to be allocated to the affected units at a source for use in a calendar year; under paragraphs (a)(1), (a)(3), and (h) of section 404 of the Clean Air Act, 42 USC 7401, or the basic phase II allowance allocations authorized to be allocated to an affected unit for use in a calendar year, or the allowances authorized to be allocated to an opt-in source under section 410 of the Clean Air Act for use in a calendar year.

(ii) As adjusted:

(a) By allowances allocated by the USEPA pursuant to section 403, section 405 paragraphs (a)(2), (a)(3), (b)(2), (c)(4), (d)(3), and (h)(2), and section 406 of the Clean Air Act.

(b) By allowances allocated by the USEPA pursuant to 40 CFR Part 72, Subpart D.

(c) By allowance transfers to or from the compliance account for that source that were recorded or properly submitted for recordation by the allowance transfer deadline as provided

in 40 CFR 73.35, after deductions and other adjustments are made pursuant to 40 CFR 73.34(c).

- (b) For purposes of nitrogen oxides emissions, the applicable limitation under 40 CFR Part 76.
- (3) "Acid rain emissions reduction requirement" means a requirement under the acid rain program to reduce the emissions of sulfur dioxide or nitrogen oxides from a unit to a specified level or by a specified percentage.
- (4) "Acid rain permit" or "permit" means the legally binding written document or portion of such document, including any permit revision, that is issued by the director under this chapter and specifies the acid rain program requirements applicable to an affected source and to the owners and operators and the designated representative of the affected source or the affected unit.
- (5) "Acid rain program" means the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with Title IV of the Clean Air Act, rules 3745-103-01 to 3745-103-66 of the Administrative Code, and 40 CFR Parts 73, 74, 75, 76, 77, and 78.
- (6) "Actual SO₂ emissions rate" means the annual average sulfur dioxide emissions rate for the unit (expressed in pound per MMBtu), for the specified calendar year; provided that, if the unit is listed in the National Allowance Data Base (NADB), the "1985 actual SO₂ emissions rate" for the unit is the rate specified by the USEPA in the NADB under the data field "SO2RTE."
- (7) "Affected source" means a source that includes one or more affected units.
- (8) "Affected states" means all states that meet one of the following:
- (a) Whose air quality may be affected and that are contiguous to the state when a permit, permit modification or permit renewal is being proposed.
 - (b) That are within fifty miles of the permitted source.
- (9) "Affected unit" means a unit that is subject to any acid rain emissions reduction requirement or acid rain emissions limitation under rule 3745-103-02 or rules 3745-103-22 to 3745-103-54 of the Administrative Code.

- (10) "Allowable SO₂ emissions rate" means the most stringent federally enforceable emissions limitation for sulfur dioxide (in pound per MMBtu) applicable to the unit or combustion source for the specified calendar year, or for such subsequent year as determined by the U.S. EPA where such a limitation does not exist for the specified year; provided that, if a phase I or phase II unit is listed in the NADB, the "1985 allowable SO₂ emission rate" for the phase I or phase II unit shall be the rate specified by the USEPA in the NADB under the data field "1985 annualized boiler SO₂ emission limit."
- (11) "Allowance" means an authorization by the USEPA under the acid rain program to emit up to one ton of sulfur dioxide during or after a specified calendar year.
- (12) "Allowance deduction," or "deduct" when referring to allowances, means the permanent withdrawal of allowances by the USEPA from an allowance tracking system compliance account, to account for the number of tons of SO₂ emissions from the affected units at an affected source for the calendar year, for tonnage emissions estimates calculated for periods of missing data as provided in 40 CFR Part 75, or for any other allowance surrender obligations of the acid rain program.
- (13) "Allowances held" or "hold allowances" means the allowances recorded by the USEPA, or submitted to the USEPA for recordation in accordance with 40 CFR 73.50, in an allowance tracking system account.
- (14) "Allowance transfer deadline" means midnight of March first (or February twenty-ninth in any leap year) or, if such day is not a business day, midnight of the first business day thereafter and is the deadline by which allowances may be submitted for recordation in an affected source's compliance account for the purposes of meeting the source's acid rain emissions limitation requirements for sulfur dioxide for the previous calendar year.
- (15) "Alternative contemporaneous annual emission limitation" means the maximum allowable NO_x emission rate (on a pound per MMBtu, annual average basis) assigned to an individual unit in a NO_x emissions averaging plan pursuant to rule 3745-103-63 of the Administrative Code.
- (16) "Alternative technology" means a control technology for reducing NO_x emissions that is outside the scope of the definition of low NO_x burner technology. Alternative technology does not include overfire air as applied to wall-fired boilers or separated overfire air as applied to tangentially fired boilers.

- (17) "Approved clean coal technology demonstration project" means a project using funds appropriated under the United States department of energy's "Clean Coal Technology Demonstration Program," up to a total amount of two billion five hundred million dollars for commercial demonstration of clean coal technology, or similar projects funded through appropriations for USEPA. The federal contribution for a qualifying project shall be at least twenty per cent of the total cost of the demonstration project.
- (18) "Arch-fired boiler" means a dry bottom boiler with circular burners, or coal and air pipes, oriented downward and mounted on waterwalls that are at an angle significantly different from the horizontal axis and the vertical axis. This definition shall include only the following units: Holtwood unit 17, Hunlock unit 6, and Sunbury units 1a, 1b, 2a, and 2b. This definition shall exclude dry bottom turbo fired boilers.
- (19) "Authorized account representative" means a responsible natural person who is authorized, in accordance with 40 CFR Part 73, to transfer and otherwise dispose of allowances held in an allowance tracking system general account; or in the case of a compliance account, the designated representative of the owners or operators of the affected source and the affected units at the source.
- (20) "Basic Phase II allowance allocations" means:
- (a) For calendar years 2000 through 2009 inclusive, allocations of allowances made by the USEPA pursuant to section 403, and paragraphs (b)(1), (b)(3), (b)(4), (c)(1), (c)(2), (c)(3), (c)(5), (d)(1), (d)(2), (d)(4), (d)(5), (e), (f), (g)(1), (g)(2), (g)(3), (g)(4), (g)(5), (h)(1), (i), and (j) of section 405 of the Clean Air Act.
 - (b) For each calendar year beginning in 2010, allocations of allowances made by the U.S. EPA pursuant to section 403 and paragraphs (b)(1), (b)(3), (b)(4), (c)(1), (c)(2), (c)(3), (c)(5), (d)(1), (d)(2), (d)(4), (d)(5), (e), (f), (g)(1), (g)(2), (g)(3), (g)(4), (g)(5), (h)(1), (h)(3), (i), and (j) of section 405 of the Clean Air Act.
- (21) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or any other medium.
- (22) "Btu" means British thermal unit.
- (23) "Cell burner boiler" means a wall-fired boiler that utilizes two or three circular

burners combined into a single vertically oriented assembly that results in a compact, intense flame. Any low NO_x retrofit of a cell burner boiler that reuses the existing cell burner, close-coupled wall opening configuration would not change the designation of the unit as a cell burner boiler.

- (24) "CEMS" means continuous emission monitoring system.
- (25) "Clean Air Act" means the Clean Air Act Amendments of 1990 contained in 42 USC 7401 to 7671q.
- (26) "CO₂" means carbon dioxide.
- (27) "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American society for testing and materials designation ASTM D388 (Standard Classification of Coals by Rank).
- (28) "Coal-derived fuel" means any fuel, whether in a solid, liquid, or gaseous state, produced by the mechanical, thermal, or chemical processing of coal (including, but not limited to, pulverized coal, coal refuse, liquefied or gasified coal, washed coal, chemically cleaned coal, coal-oil mixtures, and coke).
- (29) "Coal-fired" means for all purposes under the acid rain program, except for purposes of applying rules 3745-103-55 to 3745-103-66 of the Administrative Code, the combustion of fuel consisting of coal or any coal-derived fuel (except a coal-derived gaseous fuel that meets the definition of very low sulfur fuel in this rule), alone or in combination with any other fuel, where a unit is coal-fired if it uses coal or coal-derived fuel as its primary fuel (expressed in MMBtu); provided that, if the unit is listed in the NADB, the primary fuel is the fuel listed in the NADB under the data field PRIMEFUEL.
- (30) "Coal-fired utility unit" means a utility unit in which the combustion of coal (or any coal-derived fuel) on a Btu basis exceeds 50.0 per cent of its annual heat input during the following calendar year: for phase I units, in calendar year 1990; and, for phase II units, in calendar year 1995 or, for a phase II unit that did not combust any fuel that resulted in the generation of electricity in calendar year 1995, in any calendar year during the period 1990-1995. For purposes of applying rules 3745-103-55 to 3745-103-66 of the Administrative Code, this definition shall apply notwithstanding any other definition in this rule.
- (31) "Combustion controls" means technology that minimizes NO_x formation by

staging fuel and combustion air flows in a boiler. This definition shall include low NO_x burners, overfire air, or low NO_x burners with overfire air.

- (32) "Combustion source" means a stationary fossil fuel-fired boiler, turbine, or internal combustion engine where the designated representative has submitted or intends to submit an opt-in permit application under rule 3745-103-28 of the Administrative Code to enter into the "opt-in program."
- (33) "Cogeneration unit" means a unit that has equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes, through sequential use of energy.
- (34) "Commence commercial operation" means to have begun to generate electricity for sale, including the sale of electricity during testing.
- (35) "Commence construction" means that an owner or operator has either undertaken a continuous program of construction or has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction.
- (36) "Commence operation" means to have begun any mechanical, chemical, or electronic process, including start-up of an emissions control technology or emissions monitor or of a unit's combustion chamber.
- (37) "Common stack" means the exhaust of emissions from two or more units through a single flue.
- (38) "Compensating unit" means an affected unit that is not otherwise subject to acid rain emissions limitation or acid rain emissions reduction requirements during phase I and that is designated as a phase I unit in a reduced utilization plan under 40 CFR 72.43; provided that an opt-in source shall not be a compensating unit.
- (39) "Compliance account" means an allowance tracking system account, established by the USEPA under 40 CFR 73.31(a), 40 CFR 73.31(b), or 40 CFR 74.40(a) for an affected source and for each affected unit at the source.
- (40) "Compliance certification" means a submission to the USEPA or the director of Ohio environmental protection agency, as appropriate, that is required by this chapter or by 40 CFR Parts 72, 73, 74, 75, 76, 77, or 78, to report an affected source's or an affected unit's compliance or non-compliance with a

provision of the acid rain program and that is signed and verified by the designated representative in accordance with rule 3745-103-06 of the Administrative Code, 40 CFR Part 72, Subpart B and Subpart I, and the acid rain program regulations.

- (41) "Compliance plan" means the document submitted for an affected source in accordance with rules 3745-103-07 and 3745-103-08, or 3745-103-41 to 3745-103-51 of the Administrative Code, or 40 CFR Part 76, specifying the method (including one or more acid rain compliance options as provided under rules 3745-103-09 and 3745-103-10 of the Administrative Code or rules 3745-103-41 to 3745-103-51 of the Administrative Code, or 40 CFR Part 76) by which each affected unit at the source will meet the applicable acid rain emissions limitation and acid rain emissions reduction requirements.
- (42) "Compliance use date" means the first calendar year for which an allowance may be used for purposes of meeting a source's acid rain emissions limitation for sulfur dioxide.
- (43) "Conditionally valid data" means data from a continuous monitoring system that are not quality assured, but which may become quality assured if certain conditions are met. Examples of data that may qualify as conditionally valid are either of the following:
- (a) Data recorded by an uncertified monitoring system prior to its initial certification.
 - (b) Data recorded by a certified monitoring system following a significant change to the system that may affect its ability to accurately measure and record emissions.
- A monitoring system shall pass a probationary calibration error test, in accordance with 40 CFR Part 75, Appendix B, Section 2.1.1, to initiate the conditionally valid data status. In order for conditionally valid emission data to become quality assured, one or more quality assurance tests or diagnostic tests shall be passed within a specified time period in accordance with paragraph (b)(3) of 40 CFR 75.20.
- (44) "Construction" means fabrication, erection, or installation of a unit or any portion of a unit.
- (45) "Customer" means a purchaser of electricity not for the purposes of retransmission or resale. For generating rural electric cooperatives, the

customers of the distribution cooperatives served by the generating cooperative will be considered customers of the generating cooperative.

- (46) "Demonstration period" means a period of time not less than fifteen months, approved under rule 3745-103-62 of the Administrative Code, for demonstrating that the affected unit cannot meet the applicable emission limitation under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code and establishing the minimum NO_x emission rate that the unit can achieve during long-term load dispatch operation.
- (47) "Designated representative" means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with 40 CFR Part 72, Subpart B, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the acid rain program. The term "designated representative" shall be construed to include the alternate designated representative, if any.
- (48) "Diesel fuel" means a low sulfur fuel oil of grades 1-D or 2-D, as defined by the American society for testing and materials ASTM D975 (Standard Specification for Diesel Fuel Oils), grades 1-GT or 2-GT, as defined by ASTM D2880 (Standard Specification for Gas Turbine Fuel Oils), or grade one or grade two, as defined by ASTM D396 (Standard Specification for Fuel Oils).
- (49) "Direct public utility ownership" means direct ownership of equipment and facilities by one or more corporations, the principal business of which is sale of electricity to the public at retail. Percentage ownership of such equipment and facilities shall be measured on the basis of book value.
- (50) "Dry bottom" means a boiler has a furnace bottom temperature below the ash melting point and the bottom ash is removed as a solid.
- (51) "Emissions" means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the USEPA by the designated representative and as determined by the USEPA, in accordance with the emissions monitoring requirements of 40 CFR Part 75.
- (52) "EPA protocol gas" means a calibration gas mixture prepared and analyzed according to section two of the "EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards," May 2012, EPA-600/R-12/531, or such revised procedure as approved by the

administrator.

- (53) "Excess emissions" means either of the following:
- (a) Any tonnage of sulfur dioxide emitted by the affected units at an affected source during a calendar year that exceeds the acid rain emissions limitation for sulfur dioxide for the source.
 - (b) Any tonnage of nitrogen oxide emitted by an affected unit during a calendar year that exceeds the annual tonnage equivalent of the acid rain emissions limitation for nitrogen oxides applicable to the affected unit taking into account the unit's heat input for the year.
- (54) "Existing unit" means a unit (including a unit subject to section 111 of the Clean Air Act) that commenced commercial operation before November 15, 1990 and that on or after November 15, 1990 served a generator with a nameplate capacity of greater than twenty-five MWe. Existing unit does not include simple combustion turbines or any unit that on or after November 15, 1990 served only generators with a nameplate capacity of twenty-five MWe or less. Any existing unit that is modified, reconstructed, or repowered after November 15, 1990, continues to be an existing unit.
- (55) "Fast-track modification" means that at the option of the designated representative, the permittee publicizes the proposed permit modifications in a newspaper of general circulation in the area where the source is located or in a state publication and gives notice to the interested parties. The public has thirty days to comment to the Ohio EPA. The permittee submits its proposed modifications to the Ohio EPA, and the agency has thirty days after the close of the comment period to rule on the proposed modifications.
- (56) "Flue gas" means the combustion products arising from the combustion of fossil fuel in a utility boiler.
- (57) "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.
- (58) "Fossil fuel-fired" means the combustion of fossil fuel or any derivative of fossil fuel, alone or in combination with any other fuel, independent of the percentage of fossil fuel consumed in any calendar year (expressed in MMBtu).

- (59) "Fuel flowmeter quality assurance operating quarter" means a unit operating quarter in which the unit combusts the fuel measured by the fuel flowmeter for at least one hundred sixty-eight or more unit operating hours.
- (60) "Fuel oil" means any petroleum-based fuel (including diesel fuel or petroleum derivatives such as oil tar) as defined by the American society for testing and materials in ASTM D396 (Standard Specification for Fuel Oils), and any recycled or blended petroleum products or petroleum by-products used as a fuel whether in a liquid, solid or gaseous state.
- (61) "Gas-fired" means:
- (a) For all purposes under the acid rain program, except for 40 CFR Part 75, the combustion of both of the following:
 - (i) Natural gas or other gaseous fuel (including coal-derived gaseous fuel), for at least 90.0 per cent of the unit's average annual heat input during the previous three calendar years and for at least 85.0 per cent of the annual heat input in each of those calendar years.
 - (ii) Any fuel, except coal or solid or liquid coal-derived fuel, for the remaining heat input, if any.
 - (b) For purposes of 40 CFR Part 75, the combustion of both of the following:
 - (i) Natural gas or other gaseous fuel (including coal-derived fuel) for at least 90.0 per cent of the unit's average annual heat input during the previous three calendar years and for at least 85.0 per cent of the annual heat input in each of those calendar years.
 - (ii) Fuel oil, for the remaining heat input, if any.
 - (c) For purposes of 40 CFR Part 75, a unit may initially qualify as gas-fired if the designated representative demonstrates to the satisfaction of the Ohio EPA that the requirements of paragraph (B)(62)(b) of this rule are met, or will in the future be met, through one of the following submissions:
 - (i) For a unit for which a monitoring plan has not been submitted under 40 CFR 75.62, the designated representative submits either of the following:

shall meet the criteria in paragraph (B)(62)(b) of this rule each year in order to continue to qualify as gas-fired. If such a unit combusts only gaseous fuel and fuel oil but fails to meet such criteria for a given year, the unit no longer qualifies as gas-fired starting the day after the first day for which the criteria are not met. If a unit failing to meet the criteria in paragraph (B)(62)(b) of this rule initially qualified as a gas-fired unit under paragraph (B)(62)(c) of this rule, the unit may qualify as a gas-fired unit for a subsequent year only if the designated representative submits the data specified in paragraph (B)(62)(c)(ii)(a) of this rule.

- (62) "Gas manufacturers intermediate standard (GMIS)" means a compressed gas calibration standard that has been assayed and certified by direct comparison to a standard reference material (SRM), an SRM-equivalent PRM, a NIST/EPA-approved certified reference material (CRM), or a NIST traceable reference material (NTRM) in accordance with section 2.1.2.1 of the "EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards," EPA-600/R-12/53.
- (63) "Generator" means a device that produces electricity and was or would have been required to be reported as a generating unit pursuant to the United States department of energy form 860 (1990 edition).
- (64) "Generator output capacity" means the full-load continuous rating of a generator under specific conditions as designated by the manufacturer.
- (65) "Group one boiler" means a tangentially fired boiler or a dry bottom wall-fired boiler (other than a unit applying cell burner technology).
- (66) "Group two boiler" means a wet bottom wall-fired boiler, a cyclone boiler, a boiler applying cell burner technology, a vertically fired boiler, an arch-fired boiler, or any other type of utility boiler (such as a fluidized bed or stoker boiler) that is not a group one boiler.
- (67) "Heat input" means the product (expressed in MMBtu per unit of time) of the gross calorific value of the fuel (expressed in Btu per pound) and the fuel feed rate into the combustion device (expressed in mass of fuel per unit of time) and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.
- (68) "Independent power production facility" or "IPP" means a source that meets all of the following:

- (a) Is nonrecourse project financed, as defined by the secretary of energy at 10 CFR Part 715.
 - (b) Is used for the generation of electricity, eighty per cent or more of which is sold at wholesale.
 - (c) Is a new unit required to hold allowances under Title IV of the Clean Air Act; provided that direct public utility ownership of the equipment comprising the facility does not exceed fifty per cent.
- (69) "Kacfm" means thousands of cubic feet per minute actual conditions.
- (70) "Kscfh" means thousands of cubic feet per hour at standard conditions.
- (71) "KWH" means kilowatt hour.
- (72) "Life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy generated by any specified generating unit and pays its proportional amount of such unit's total costs, pursuant to a contract for any of the following:
- (a) For the life of the unit.
 - (b) For a cumulative term of no less than thirty years, including contracts that permit an election for early termination.
 - (c) For a period equal to or greater than twenty-five years or seventy per cent of the economic useful life of the unit, determined as of the time the unit was built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.
- (73) "Low NO_x burners" and "low NO_x burner technology" means commercially available^x combustion modification^x NO_x controls that minimize NO_x formation by introducing coal and its associated combustion air into a boiler^x such that initial combustion occurs in a manner that promotes rapid coal devolatilization in a fuel-rich (i.e., oxygen deficient) environment and introduces additional air to achieve a final fuel-lean (i.e., oxygen rich) environment to complete the combustion process. This definition includes the

staging of any portion of the combustion air using air nozzles or registers located inside any waterwall hole that includes a burner. This definition excludes the staging of any portion of the combustion air using air nozzles or ports located outside any waterwall hole that includes a burner (commonly referred to as NO_x ports or separated overfire air ports).

- (74) "Maximum continuous steam flow at one hundred per cent of load" means the maximum capacity of a boiler as reported in line seven (maximum continuous steam flow at one hundred per cent load in thousand pounds per hour) of schedule 6, part C (boiler information - design parameters) of the United States department of energy's form EIA-860.
- (75) "MMBtu" means million Btu.
- (76) "MWe" means megawatt electrical.
- (77) "Nameplate capacity" means the maximum electrical generating output (expressed in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the NADB under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States department of energy standards if the generator is not listed in the NADB.
- (78) "National allowance data base" or "NADB" means the data base established under section 402 (4)(c) of the Clean Air Act.
- (79) "Natural gas" means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane), produced in geological formations beneath the earth's surface, that maintains a gaseous state at standard atmospheric temperature and pressure, under ordinary conditions. Natural gas contains 20.0 grains or less of total sulfur per one hundred standard cubic feet. Additionally natural gas shall either be composed of at least seventy per cent methane by volume or have a gross calorific value between nine hundred fifty and one thousand one hundred Btu per standard cubic foot. Natural gas does not include the following gaseous fuels: landfill gas, digester gas, refinery gas, sour gas, blast furnace gas, coal-derived gas, producer gas, coke oven gas, or any gaseous fuel produced in a process which might result in highly variable sulfur content or heating value.
- (80) "New unit" means a unit that commences commercial operation on or after November 15, 1990, including any such unit that serves a generator with a nameplate capacity of twenty-five MWe or less or that is a simple combustion turbine.

- (81) "NIST" means national institute of standards and technology.
- (82) "NIST traceable reference material (NTRM)" means a calibration gas mixture tested by and certified by the NIST to have a certain specified concentration of gases. NTRMs may have different concentrations from those of standard reference materials.
- (83) "Non-plug-in combustion controls" means the replacement, in a cell burner boiler, of the portions of the waterwalls containing the cell burners by new portions of the waterwalls containing low NO_x burners or low NO_x burners with overfire air.
- (84) "Oil-fired" means:
- (a) For all purposes under the acid rain program, except for 40 CFR Part 75 the combustion of the following:
 - (i) Fuel oil for more than ten per cent of the average annual heat input during the previous three calendar years or for more than fifteen per cent of the annual heat input in any one of those calendar years; and any solid, liquid, or gaseous fuel, other than coal or any other coal-derived fuel (except a coal-derived gaseous fuel with a sulfur content no greater than natural gas), for the remaining heat input, if any.
 - (ii) Any solid, liquid or gaseous fuel (including coal-derived gaseous fuel), other than coal or any other coal-derived gaseous fuel), for the remaining heat input, if any.
 - (b) For the purpose of 40 CFR Part 75, combustion of only fuel oil and gaseous fuels, provided that the unit involved does not meet the definition of gas fired.
- (85) "Operating" when referring to a combustion or process source seeking entry into the "Opt-in Program," means that the source had documented consumption of fuel input for more than eight hundred seventy-six hours in the six months immediately preceding the submission of a combustion source's opt-in application under paragraph (A) of rule 3745-103-29 of the Administrative Code.
- (86) "Operating period" means a period of time of not less than three consecutive

months and that occurs not more than one month prior to applying for an alternative emission limitation demonstration period under rule 3745-103-62 of the Administrative Code, during which the owner or operator of an affected unit that cannot meet the applicable emission limitation meets all of the following:

- (a) Operates the installed NO_x emission controls in accordance with primary vendor specifications and procedures, with the unit operating under normal conditions.
 - (b) Records and reports quality-assured continuous emission monitoring (CEM) and unit operating data according to the methods and procedures in 40 CFR Part 75.
- (87) "Operating permit" means a permit issued under 40 CFR Part 70 and any other regulations implementing Title V of the Clean Air Act.
- (88) "Opt-in" or "opt into" means to elect to become an affected unit under the acid rain program through the issuance of the final effective opt-in permit under rule 3745-103-28 of the Administrative Code.
- (89) "Opt-in permit" means the legally binding written document that is contained within the acid rain permit and sets forth the requirements under rule 3745-103-29 of the Administrative Code for a combustion source or rule 3745-103-30 of the Administrative Code for a process source that opts into the acid rain program.
- (90) "Opt-in source" means a combustion source or process source that has elected to become an affected unit under the acid rain program and whose opt-in permit has been issued and is in effect.
- (91) "Owner" means any of the following persons:
- (a) Any holder of any portion of the legal or equitable title in an affected unit or in a combustion source or process source.
 - (b) Any holder of a leasehold interest in an affected unit or in a combustion source or process source.
 - (c) Any purchaser of power from an affected unit or from a combustion source or process source under a life-of-the-unit, firm power contractual

arrangement as the term is defined herein and used in section 408 (i) of the Clean Air Act. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit.

- (d) With respect to any allowance tracking system general account, any person identified in the submission required by 40 CFR 73.31(c) that is subject to the binding agreement for the authorized account representative to represent that person's ownership interest with respect to allowances.
- (92) "Operator" means any person who is an owner or who operates, controls, or supervises an affected unit or affected source and includes, but is not limited to, any holding company, utility system, or plant manager of an affected unit or affected source, combustion source, or process source.
- (93) "Ozone season" means the period of time beginning May first of a year and ending on September thirtieth of the same year, inclusive.
- (94) "Peaking unit" means:
 - (a) A unit that has all of the following:
 - (i) An average capacity factor of no more than 10.0 per cent during the previous three calendar years,
 - (ii) A capacity factor of no more than 20.0 per cent in each of those calendar years.
 - (b) For the purpose of 40 CFR Part 75, a unit may initially qualify as a peaking unit if the designated representative demonstrates to the satisfaction of the director that the requirements of paragraph (B)(95)(a) of this rule are met, or will in the future be met, through one of the following submissions:
 - (i) For a unit for which a monitoring plan has not been submitted under 40 CFR 75.62, the designated representative submits either of the following:

H, under a State or Federal NO_x mass emissions reduction program, may, pursuant to 40 CFR 75.74(c)(11), qualify as a peaking unit on an ozone season basis rather than an annual basis, if the owner or operator reports NO_x mass emissions and heat input data only during the ozone season.

- (95) "Permitting authority" means the Ohio EPA, local agency, other state agency, or other agency authorized by the director to administer acid rain permits under rule 3745-103-13 of the Administrative Code.
- (96) "Permit revision" means a permit modification, fast track modification, administrative permit amendment, or automatic permit amendment, as provided in rules 3745-103-16 to 3745-103-19 of the Administrative Code.
- (97) "Phase I" means the acid rain program beginning January 1, 1995 and ending December 31, 1999.
- (98) "Phase I unit" means any affected unit, except an affected unit under rules 3745-103-22 to 3745-103-54 of the Administrative Code, that is subject to an acid rain emissions reduction requirement or acid rain emissions limitations beginning in phase I; or any unit exempt under rule 3745-103-04 of the Administrative Code that, but for such exemption, would be subject to an acid rain emissions limitation beginning in phase I.
- (99) "Phase II" means the acid rain program period beginning January 1, 2000, and continuing into the future thereafter.
- (100) "Phase II unit" means any affected unit, except an affected unit under rules 3745-103-22 to 3745-103-54 of the Administrative Code, that is subject to an acid rain emissions reduction requirement or acid rain emissions limitation during phase II only.
- (101) "Pipeline natural gas" means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions, and which is provided by a supplier through a pipeline. Pipeline natural gas contains 0.5 grains or less of total sulfur per one hundred standard cubic feet. Additionally, pipeline natural gas shall either be composed of at least seventy per cent methane by volume or have a gross calorific value between nine hundred fifty and one thousand one hundred Btu per standard cubic foot.

- (102) "Plug-in combustion controls" means the replacement, in a cell burner boiler, of existing cell burners by low NO_x burners or low NO_x burners with overfire air.
- (103) "Potential electrical output capacity" means the MWe capacity rating for the units which shall be equal to thirty-three per cent of the maximum design heat input capacity of the steam generating unit, as calculated according to 40 CFR Part 72, Appendix D.
- (104) "Power distribution system" means the portion of an electricity grid owned or operated by a utility that is dedicated to delivering electric energy to customers.
- (105) "Power purchase commitment" means a commitment or obligation of a utility to purchase electric power from a facility pursuant to any of the following:
- (a) A power sales agreement.
 - (b) A state regulatory authority order requiring a utility to perform any of the following:
 - (i) Enter into a power sales agreement with the facility.
 - (ii) Purchase from the facility.
 - (iii) Enter into arbitration concerning the facility for the purpose of establishing terms and conditions of the utility's purchase of power.
 - (c) A letter of intent or similar instrument committing to purchase power (actual electrical output or generator output capacity) from the source at a previously offered or lower price and a power sales agreement applicable to the source is executed within the time frame established by the terms of the letter of intent, but no later than November 15, 1993 or, where the letter of intent does not specify a time frame, a power sales agreement applicable to the source is executed on or before November 15, 1993.
 - (d) A utility competitive bid solicitation that resulted in the selection of the qualifying facility or independent power production facility as the winning bidder.

- (106) "Power sales agreement" means a legally binding agreement between a QF, IPP, or firm associated with such facility and a regulated electric utility that establishes the terms and conditions for the sale of power from the facility to the utility.
- (107) "Primary fuel" or "primary fuel supply" means the main fuel type (expressed in MMBtu) consumed by an affected unit for the applicable calendar year.
- (108) "Primary vendor" means the vendor of the NO_x emission control system who has primary responsibility for providing the equipment, service, and technical expertise necessary for detailed design, installation, and operation of the controls, including process data, mechanical drawings, operating manuals, or any combination thereof.
- (109) "Probationary calibration error test" means an on-line calibration error test performed in accordance with 40 CFR Part 75, Appendix B, Section 2.1.1, that is used to initiate a conditionally valid data period.
- (110) "QA operating quarter" means a calendar quarter in which there are at least one hundred sixty-eight unit operating hours or, for a common stack or bypass stack or bypass stack, a calendar quarter in which there are at least one hundred sixty-eight stack operating hours.
- (111) "Qualifying facility" or "QF" means a qualifying small power production facility within the meaning of section 3(17)(C) of the Federal Power Act or a qualifying cogeneration facility within the meaning of section 3(18)(B) of the Federal Power Act.
- (112) "Qualifying power purchase commitment" means a power purchase commitment in effect as of November 15, 1990, without regard to changes to that commitment so long as both of the following apply:
- (a) The identity of the electric output purchaser, or the identity of the steam purchaser and the location of the facility, remain unchanged as of the date the facility commences commercial operation.
 - (b) The terms and conditions of the power purchase commitment are not changed in such a way as to allow the costs of compliance with the acid rain program to be shifted to the purchaser.
- (113) "Qualifying repowering technology" means replacement of an existing

coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the USEPA, in consultation with the secretary of energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

- (114) "RATA" means relative accuracy test audit.
- (115) "Reburning" means reducing the coal and combustion air to the main burners and injecting a reburn fuel (such as gas or oil) to create a fuel-rich secondary combustion zone above the main burner zone and final combustion air to create a fuel-lean burnout zone. The formation of NO_x is inhibited in the main burner zone due to the reduced combustion intensity, and NO_x is destroyed in the fuel-rich secondary combustion zone by conversion to molecular nitrogen.
- (116) "Reduced utilization" means a reduction, during any calendar year in phase I, in the heat input (expressed in MMBtu for the calendar year) at a phase I unit below the unit's baseline, where such reduction subjects the unit to the requirement to submit a reduced utilization plan under 40 CFR 72.43; or, in the case of an opt-in source, means a reduction in the average utilization, as specified in rule 3745-103-45 of the Administrative Code, of an opt-in source below the opt-in source's baseline.
- (117) "Replacement unit" means an affected unit replacing the thermal energy provided by an opt-in source, where both the affected unit and the opt-in source are governed by a thermal energy plan.
- (118) "Repowering extension" means owners or operators of certain affected units, which were operating in 1985 or before with 1985 SO_2 emission rates of 1.2 pounds per MMBtu or greater, may apply for additional phase II allowance allocations for up to four years (the extension period) in exchange for replacing existing boiler technology with new USEPA approved clean coal technology.
- (119) "Research gas mixture (RGM)" means a calibration gas mixture developed by agreement of a requestor and NIST that NIST analyzes and certifies as "NIST traceable." RGM may have concentrations different from those of standard

reference materials.

- (120) "Schedule of compliance" means an enforceable sequence of actions, measures, or operations designed to achieve or maintain compliance, or correct non-compliance, with an applicable requirement of the acid rain program, including any applicable acid rain permit requirement.
- (121) "Selective catalytic reduction" means a noncombustion control technology that destroys NO_x by injecting a reducing agent (e.g., ammonia) into the flue gas that, in the presence of a catalyst (e.g., vanadium, titanium, or zeolite), converts NO_x into molecular nitrogen and water.
- (122) "Selective noncatalytic reduction" means a noncombustion control technology that destroys NO_x by injecting a reducing agent (e.g., ammonia, urea, or cyanuric acid) into the flue gas, downstream of the combustion zone that converts NO_x to molecular nitrogen, water, and when urea or cyanuric acid are used, to carbon dioxide (CO_2).
- (123) "Simple combustion turbine" means a unit that is a rotary engine driven by a gas under pressure that is created by the combustion of any fuel. This term includes combined cycle units without auxiliary firing. This term excludes combined cycle units with auxiliary firing, unless the unit did not use the auxiliary firing from 1985 through 1987 and does not use auxiliary firing at any time after November 15, 1990.
- (124) "Solid waste incinerator" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public, including single and multiple residences, hotels, and motels.
- (125) "SO₂RTE" means a data field listed in the national allowance data base which represents the 1985 boiler SO₂ emission rate expressed in pounds per MMBtu.
- (126) "SO₂" means sulfur dioxide.
- (127) "Source" means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the Clean Air Act, provided that one or more combustion or process sources that have, under paragraph (C) of rule 3745-103-25 of the Administrative Code, a different designated representative than the designated representative for one or more affected

utility units at a source shall be treated as being included in a separate source from the source that includes such utility units for purposes of 40 CFR Parts 72 to 78, but shall be treated as being included in the same source as the source that includes such utility units for purposes of section 502(c) of the Clean Air Act. For purposes of this rule, a "source," including a "source" with multiple units, is considered a single "facility."

- (128) "Span" means the highest pollutant or diluent concentration or flow rate that a monitor component is required to be capable of measuring under 40 CFR Part 75.
- (129) "Stack operating hour" means a clock hour during which flue gases flow through a particular stack or duct (either for the entire hour or for part of the hour) while the associated unit is combusting fuel.
- (130) "Standard reference material-equivalent compressed gas primary reference material (SRM-equivalent PRM)" means those gas mixtures listed in a declaration of equivalence in accordance with section 2.1.2 of the "EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards," EPA-600/R-12/53.
- (131) "State" means one of the forty-eight contiguous states and the District of Columbia and includes any non-federal authorities, including local agencies, interstate associations, and state-wide agencies with approved state operating permit programs. The term "state" has the conventional meaning where such meaning is clear from the context.
- (132) "State operating permit program" means an operating permit program that the USEPA has approved under 40 CFR Part 70.
- (133) "Stationary gas turbine" means a turbine that is not self-propelled and that combusts natural gas, other gaseous fuel with a total sulfur content no greater than the total sulfur content of natural gas, or fuel oil in order to heat inlet combustion air and thereby turn a turbine in addition to or instead of producing steam or heating water.
- (134) "Stoker boiler" means a boiler that burns solid fuel in a bed, on a stationary or moving grate, that is located at the bottom of the furnace.
- (135) "Sulfur-free generation" means the generation of electricity by a process that does not have any emissions of sulfur dioxide, including hydroelectric, nuclear, solar, and wind generation.

(136) "Submit" or "serve" means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulations by one of the following methods:

(a) In person.

(b) By United States postal service.

(c) By other equivalent means of dispatch, or transmission, and delivery.

Compliance with any submission, service, or mailing deadline is determined by the date of dispatch, transmission, or mailing and not the date of receipt.

(137) "Sulfur-free generator" means a generator that produces such sulfur-free generation.

(138) "Tangentially fired boiler" means a boiler that has coal and air nozzles mounted in each corner of the furnace where the vertical furnace walls meet. Both pulverized coal and air are directed from the furnace corners along a line tangential to a circle lying in a horizontal plane of the furnace.

(139) "Thermal energy" means the thermal output produced by a combustion source used directly as part of a manufacturing process but not used to produce electricity.

(140) "Ton" or "tonnage" means any short ton (i.e., two thousand pounds). For the purpose of determining compliance with the acid rain emissions limitations and reduction requirements, total tons for a year shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with 40 CFR Part 75, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal one ton and any fraction of a ton less than 0.50 ton deemed not to equal a ton.

(141) "Total installed net output capacity" means the generator output capacity, excluding that portion of the electrical power actually used at the power production facility, as installed.

(142) "Total planned net output capacity" means the planned generator output capacity, excluding that portion of the electrical power which is designed to be used at the power production facility, as specified under one or more

qualifying power purchase commitments or contemporaneous documents as of November 15, 1990.

- (143) "Turbo-fired boiler" means a pulverized coal, wall-fired boiler with burners arranged on walls so that the individual flames extend down toward the furnace bottom and then turn back up through the center of the furnace.
- (144) "Unit" means a fossil fuel-fired combustion device.
- (145) "Unit operating hour" means a clock hour during which a unit combusts any fuel, either for part of the hour or for the entire hour.
- (146) "USEPA" means the United States environmental protection agency.
- (147) "Utility" means any person that sells electricity.
- (148) "Utility competitive bid solicitation" is a public request from a regulated utility for offers to the utility for meeting future generating needs. A qualifying facility, independent power production facility, or new IPP may be regarded as having been selected in such solicitation if the utility has named the facility as a project with which the utility intends to negotiate a power sales agreement.
- (149) "Utility system" means all interconnected units and generators operated by the same utility operating company as reported in the NADB under the data field "UTILNAME."
- (150) "Utility unit" means a unit owned or operated by a utility:
- (a) That serves a generator in any state that produces electricity for sale; or
 - (b) That during 1985, served a generator in any state that produced electricity for sale.
 - (c) Notwithstanding paragraphs (B)(151)(a) and (B)(151)(b) of this rule, a unit that was in operation during 1985, but did not serve a generator that produced electricity for sale during 1985, and did not commence commercial operation on or after November 15, 1990 is not a utility unit for purposes of the acid rain program.

- (d) Notwithstanding paragraphs (B)(151)(a) and (B)(151)(b) of this rule, a unit that cogenerates steam and electricity is not a utility unit for purposes of the acid rain program, unless the unit is constructed for the purpose of supplying, or commences construction after November 15, 1990 and supplies, more than one-third of its potential electrical output capacity and more than twenty-five MWe output to any power distribution system for sale.
- (151) "Vertically fired boiler" means a dry bottom boiler with circular burners, or coal and air pipes, oriented downward and mounted on waterwalls that are horizontal or at an angle. This definition includes dry bottom roof-fired boilers and dry bottom top-fired boilers, and excludes dry bottom arch-fired boilers and dry bottom turbo-fired boilers.
- (152) "Very low sulfur fuel" means any of the following:
- (a) A fuel with a total sulfur content no greater than 0.05 per cent by weight.
 - (b) Natural gas or pipeline natural gas, as defined in this rule.
 - (c) Any gaseous fuel with a total sulfur content no greater than twenty grains of sulfur per one hundred standard cubic feet.
- (153) "Wall-fired boiler" means a boiler that has pulverized coal burners arranged on the walls of the furnace. The burners have discrete, individual flames that extend perpendicularly into the furnace area.
- (154) "Wet bottom" means that the ash is removed from the furnace in a molten state.
- (155) "Wet bottom boiler" includes: wet bottom wall-fired boilers, including wet bottom turbo-fired boilers; and wet bottom boilers otherwise meeting the definition of vertically fired boilers, including wet bottom arch-fired boilers, wet bottom roof-fired boilers, and wet bottom top-fired boilers. The term "wet bottom boiler" excludes cyclone boilers and tangentially fired boilers.
- (156) "Zero air material" means any of the following:
- (a) A calibration gas certified by the gas vendor not to contain concentrations of SO_2 , NO_x , or total hydrocarbons above one tenth part per million, a concentration of CO above one part per million, or a concentration of

CO₂ above four hundred parts per million.

- (b) Ambient air conditioned and purified by a CEMS for which the CEMS manufacturer or vendor certifies that the particular CEMS model produces conditioned gas that does not contain concentrations of SO₂, NO_x, or total hydrocarbons above one tenth part per million, a concentration of CO above one part per million, or a concentration of CO₂ above four hundred parts per million.
- (c) For dilution-type CEMS, conditioned and purified ambient air provided by a conditioning system concurrently supplying dilution air to the CEMS.
- (d) A multicomponent mixture certified by the supplier of the mixture that the concentration of the component being zeroed is less than or equal to the applicable concentration specified in paragraph (B)(157)(a) of this rule, and that the mixture's other components do not interfere with the CEMS readings.

(C) Referenced materials. This chapter includes references to certain matter or materials. The text of the referenced material is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of, or the particular edition or version of the material is included in this rule. For materials subject to change, only the specific versions specified in this rule are referenced. Material is 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 a referenced document is not applicable unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

- (a) American Society for Testing and Materials. Information and copies may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959." These documents are available for purchase at www.astm.org. ASTM documents are also generally available at local public libraries and "The State Library of Ohio."
- (b) The American Society of Mechanical Engineers. Information and copies may be obtained by writing to: "ASME International, Three Park Ave., New York, NY 10016." These documents are also available for purchase at www.asme.org. ASME documents are also generally available at local public libraries and "The State Library of Ohio."

- (c) Clean Air Act. 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 most public libraries and "The State Library of Ohio."
- (d) 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.gpo.gov/fdsys/. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (e) EIA-860 (2007); "Annual Electric Generator Report;" Information and copies may be obtained by writing to: "Energy Information Administration, 1000 Independence Ave, SW, Washington, DC 20585." The forms are also available in electronic format at <http://www.eia.gov/cneaf/electricity/2008forms/consolidate.html>.
- (f) EPA-600/R-12/531; "EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards;" Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The form is also available in electronic format at <https://www.epa.gov/air-research/epa-traceability-protocol-assay-and-certification-gaseous-calibration-standards>.
- (g) Federal Power Act. 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 is also available in electronic format at http://www.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_12_20_I.html. A copy of the act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (h) International Organization for Standardization. These documents are available for purchase at www.iso.org. ISO documents are also generally available at local public libraries and "The State Library of Ohio."
- (i) USEPA Form 7610-16. Information and copies may be obtained by

writing to: US EPA Clean Air Markets Division, 1310 L Street, NW Second Floor, Washington, DC 20005. It is also available in electronic format at https://www.epa.gov/sites/production/files/2017-01/documents/acid_rain_permit_application.pdf. Form 7610-16 can also be obtained for inspection and copying at most public libraries and "The State Library of Ohio."

- (j) United States Code. 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 United States Code is also available in electronic format at <https://www.law.cornell.edu/uscode/text>. The USC compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Referenced materials.

- (a) 10 CFR Part 715; "Definition of non-recourse project-financed;" 56 FR 55064, Oct. 24, 1991.
- (b) 18 USC 1001; "Statements or entries generally;" published in Supplement III of the 2012 Edition of the United States Code.
- (c) 40 CFR 60.15; "Reconstruction;" 40 FR 58420, Dec. 16, 1975.
- (d) 40 CFR 60.48Da; "Compliance provisions;" 44 FR 33613, June 11, 1979, as amended at 54 FR 6664, Feb. 14, 1989; 63 FR 49454, Sept. 16, 1998; 66 FR 18552, Apr. 10, 2001; 66 FR 31178, June 11, 2001. Redesignated from 40 CFR 60.50a to 40 CFR 60.48a and amended at 70 FR 28653, 28654, May 18, 2005. Redesignated from 40 CFR 60.48a to 40 CFR 60.48Da at 70 FR 51268, August 30, 2005, as amended at 72 FR 32722, June 13, 2007, 74 FR 5079, Jan. 28, 2009; 76 FR 3522, Jan. 20, 2011; 77 FR 9454, Feb. 16, 2012; 78 FR 24083, Apr. 24, 2013; 81 FR 20180, Apr. 6, 2016.
- (e) 40 CFR 72.3; "Measurements, abbreviations, and acronyms;" 58 FR 3650, Jan. 11, 1993, as amended at 64 FR 28588, May 26, 1999.
- (f) 40 CFR 72.4; "Federal authority;" 58 FR 3650, Jan. 11, 1993, as amended at 60 FR 17113, Apr. 4, 1995.

- (g) 40 CFR 72.5; "State authority," 58 FR 3650, Jan. 11, 1993.
- (h) 40 CFR 72.10; "Availability of information," 58 FR 3650, Jan. 11, 1993.
- (i) 40 CFR 72.11; "Computation of time," 58 FR 3650, Jan. 11, 1993.
- (j) 40 CFR 72.12; "Administrative appeals," 58 FR 3650, Jan. 11, 1993.
- (k) 40 CFR 72.13; "Incorporation by reference," 58 FR 3650, Jan. 11, 1993, as amended at 60 FR 26526, May 17, 1995; 62 FR 55478, Oct. 24, 1997; 76 FR 17306, Mar. 28, 2011.
- (l) 40 CFR 72.23; "Changing the designated representative, alternate designated representative; changes in the owners and operators," 58 FR 3650, Jan. 11, 1993, as amended at 71 FR 25378, Apr. 28, 2006.
- (m) 40 CFR 72.24; "Certificate of representation;" 58FR 3650, Jan. 11, 1993, as amended at 62FR 55480, Oct. 24, 1997; 71 FR 25378, Apr. 28, 2006; 70 FR 25334, May 12, 2005; 72 FR 59205, Oct. 19, 2007.
- (n) 40 CFR 72.41; "Phase I substitution plans;" 58FR 3650, Jan. 11, 1993, as amended at 58FR 40747, July 30, 1993; 59 FR 60230, 60238, Nov. 22, 1994; 62FR 55481, Oct. 24, 1997.
- (o) 40 CFR 72.43; "Phase I reduced utilization plans;" 58FR 3650, Jan. 11, 1993, as amended at 59FR 60230, Nov. 22, 1994; 60 FR 18470, Apr. 11, 1995; 62FR 55481, Oct. 24, 1997.
- (p) 40 CFR 72.74; "Federal issuance of Phase II permits;" 62FR 55483, Oct. 24, 1997.
- (q) 40 CFR 72.81; "Permit modifications;" 58FR 3650, Jan. 11, 1993, as amended at 60FR 17114, Apr. 4, 1995; 62FR 55485, Oct. 24, 1997.
- (r) 40 CFR 72.91(b); "Confirmation report;" 58FR 3650, Jan. 11, 1993, as amended at 58FR 40747, July 30, 1993; 59FR 60231, Nov. 22, 1994; 60FR 18470, Apr. 11, 1995; 62FR 55485, Oct. 24, 1997.
- (s) 40 CFR 73.10; "Initial allocations for phase I and phase II;" 58FR 3687, Jan. 11, 1993, as amended at 58FR 15650, Mar. 23, 1993; 58FR 33770,

June 21, 1993; 58FR 40747, July 30, 1993; 62FR 55486, Oct. 24, 1997; 63FR 51714, Sept. 28, 1998; 70 FR 25335, May 12, 2005.

- (t) 40 CFR 73.31(a); "Existing affected units," 58 FR 3687, Jan. 11, 1993; 58 FR 40747, July 30, 1993, as amended at 71 FR 25378, Apr. 28, 2006; 70 FR 25335, May 12, 2005.
- (u) 40 CFR 73.31(b); "New units," 58 FR 3687, Jan. 11, 1993; 58 FR 40747, July 30, 1993, as amended at 71 FR 25378, Apr. 28, 2006; 70 FR 25335, May 12, 2005.
- (v) 40 CFR 73.34(c); "Recordation in subaccounts;" 58FR 3671, Jan. 11, 1993, as amended at 60FR 17114, Apr. 4, 1995; 63FR 68404, Dec. 11, 1998; 70 FR 25335, May 12, 2005.
- (w) 40 CFR 73.35; "Compliance;" 58FR 3691, Jan. 11, 1993, as amended at 60FR 17114, Apr. 4, 1995; 64FR 25842, May 13, 1999; 70 FR 25335, May 12, 2005.
- (x) 40 CFR 73.50; "Scope and submission of transfers;" 58FR 3694, Jan. 11, 1993, as amended at 63FR 68404, Dec. 11, 1998; 70 FR 25336, May 12, 2005.
- (y) 40 CFR 73.70; "Auctions;" 56FR 65601, Dec. 17, 1991, as amended at 61 FR 28763, June 6, 1996; 63FR 5735, Feb. 4, 1998; 63FR 51766, Sept. 28, 1998; 70 FR 25336, May 12, 2005.
- (z) 40 CFR 74.44; "Reduced utilization for combustion sources;" 60 FR 17115, Apr. 4, 1995, as amended at 63 FR 18841, Apr. 16, 1998; 70 FR 25337, May 12, 2005.
- (aa) 40 CFR 74.46; "Opt-in source permanent shutdown, reconstruction, or change in affected status;" 60 FR 17115, Apr. 4, 1995, as amended at 70 FR 25337, May 12, 2005.
- (bb) 40 CFR 75.16; "Special provisions for monitoring emissions from common, bypass, and multiple stacks for SO₂ emissions and heat input determinations;" 60 FR 26522, May 17, 1995, as amended at 61 FR 25582, May 22, 1996; 61 FR 59158, Nov. 20, 1996; 64 FR 28591, May 26, 1999; 67 FR 40423, June 12, 2002; 67 FR 53504, Aug. 16, 2002; 73 FR 4343, Jan. 24, 2008.

- (cc) 40 CFR 75.17(a)(2)(i)(B); "Specific provisions for monitoring emissions from common, bypass, and multiple stacks for NO_x emission rate;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26523, May 17, 1995; 63 FR 57499, Oct. 27, 1998; 64 FR 28592, May 26, 1999; 67 FR 40424, June 12, 2002; 73 FR 4343, Jan. 24, 2008.
- (dd) 40 CFR 75.18; "Specific provisions for monitoring emissions from common and by-pass stacks for opacity;" 58FR 3701, Jan. 11, 1993, as amended at 60FR 26524, May 17, 1995; 60FR 40296, Aug. 8, 1995; 61FR 59158, Nov. 20, 1996.
- (ee) 40 CFR 75.20(b)(3); "Initial certification and recertification procedures;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26524, May 17, 1995; 60 FR 40296, Aug. 8, 1995; 61 FR 59158, Nov. 20, 1996; 63 FR 57506, Oct. 27, 1998; 64 FR 28592, May 26, 1999; 67 FR 40431, June 12, 2002; 70 FR 28678, May 18, 2005; 72 FR 51527, Sept. 7, 2007; 73 FR 4345, Jan. 24, 2008; 76 FR 17308, Mar. 28, 2011.
- (ff) 40 CFR 75.53; "Monitoring plan;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26532, 26568, May 17, 1995; 61 FR 59161, Nov. 20, 1996; 64 FR 28605, May 26, 1999; 67 FR 40440, June 12, 2002; 70 FR 28682, May 18, 2005; 73 FR 4350, Jan. 24, 2008; 76 FR 17312, Mar. 28, 2011.
- (gg) 40 CFR 75.62; "Monitoring plan submittals;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26539, May 17, 1995; 64 FR 28621, May 26, 1999; 67 FR 40443, June 12, 2002; 73 FR 4356, Jan. 24, 2008; 76 FR 17316, Mar. 28, 2011.
- (hh) 40 CFR 75.67; "Retired units petitions;" 60 FR 17131, Apr. 4, 1995, as amended at 60 FR 26541, May 17, 1995; 62 FR 55487, Oct. 24, 1997.
- (ii) 40 CFR 75.74(c)(11); "Annual and ozone season monitoring and reporting requirements;" 63 FR 57507, Oct. 27, 1998, as amended at 64 FR 28627, May 26, 1999; 67 FR 40446, 40447, June 12, 2002; 67 FR 57274, Sept. 9, 2002; 73 FR 4360, Jan. 24, 2008.
- (jj) 40 CFR 76.8; "Early election for Group 1, Phase II boilers;" 60 FR 18761, Apr. 13, 1995, as amended at 61 FR 67163, Dec. 19, 1996.
- (kk) 40 CFR 76.13; "Compliance and excess emissions;" 60 FR 18761, Apr. 13, 1995.

- (ll) 40 CFR 77.6; "Penalties for excess emissions of sulfur dioxide and nitrogen oxides;" 58 FR 3757, Jan. 11, 1993, as amended at 60 FR 17131, Apr. 4, 1995; 62 FR 55487, Oct. 24, 1997; 70 FR 25337, May 12, 2005.
- (mm) 40 CFR 78.3; "Petition for administrative review and request for evidentiary hearing;" 58 FR 3760, Jan. 11, 1993, as amended at 60 FR 17132, Apr. 4, 1995; 62 FR 55488, Oct. 24, 1997; 69 FR 21645, Apr. 21, 2004; 70 FR 25338, May 12, 2005; 71 FR 25379, Apr. 28, 2006; 75 FR 75078, Dec. 1, 2010; 76 FR 48379, Aug. 8, 2011; 81 FR 74603, Oct. 26, 2016.
- (nn) 40 CFR Part 60; "Standards of Performance for New Stationary Sources;" as published in the July 1, 2017 Code of Federal Regulations.
- (oo) 40 CFR Part 60, Appendix A, Method 19; "Determination of Sulfur Dioxide Removal Efficiency and Particulate Matter, Sulfur Dioxide, and Nitrogen Oxide Emission Rates;" as published in the July 1, 2017 Code of Federal Regulations.
- (pp) 40 CFR Part 70; "State operating permit programs;" as published in the July 1, 2017 Code of Federal Regulations.
- (qq) 40 CFR Part 71; "Federal operating permit programs;" as published in the July 1, 2017 Code of Federal Regulations.
- (rr) 40 CFR Part 72; "Permits regulation;" as published in the July 1, 2017 Code of Federal Regulations.
- (ss) 40 CFR Part 72, Appendix D; "Calculation of potential electric output capacity;" 58 FR 15649, Mar. 23, 1993.
- (tt) 40 CFR Part 72, Subpart A; "Acid rain program general provisions;" as published in the July 1, 2017 Code of Federal Regulations.
- (uu) 40 CFR Part 72, Subpart B; "Designated representative;" as published in the July 1, 2017 Code of Federal Regulations.
- (vv) 40 CFR Part 72, Subpart D; "Acid rain compliance plan and compliance options;" as published in the July 1, 2017 Code of Federal Regulations.

- (ww) 40 CFR Part 72, Subpart F; "Federal acid rain permit issuance procedures;" as published in the July 1, 2017 Code of Federal Regulations.
- (xx) 40 CFR Part 72, Subpart G; "Acid rain phase II implementation;" as published in the July 1, 2017 Code of Federal Regulations.
- (yy) 40 CFR Part 72, Subpart H; "Permit revisions;" as published in the July 1, 2017 Code of Federal Regulations.
- (zz) 40 CFR Part 72, Subpart I; "Compliance certification;" as published in the July 1, 2017 Code of Federal Regulations.
- (aaa) 40 CFR Part 73, Appendix A, Section 1; "Demand-side Measures Applicable for the Conservation and Renewable Energy Reserve Program or Reduced Utilization;" 58 FR 3695, Jan. 11, 1993.
- (bbb) 40 CFR Part 73, Appendix A, Section 2.1; "Generation efficiency;" 58 FR 3695, Jan. 11, 1993.
- (ccc) 40 CFR Part 73; "Sulfur dioxide allowance system;" as published in the July 1, 2017 Code of Federal Regulations.
- (ddd) 40 CFR Part 73, Subpart B; "Allowance allocations;" as published in the July 1, 2017 Code of Federal Regulations.
- (eee) 40 CFR Part 73, Subpart C; "Allowance tracking system;" as published in the July 1, 2017 Code of Federal Regulations.
- (fff) 40 CFR Part 73, Subpart D; "Allowance transfers;" as published in the July 1, 2017 Code of Federal Regulations.
- (ggg) 40 CFR Part 74; "Sulfur dioxide opt-ins;" as published in the July 1, 2017 Code of Federal Regulations.
- (hhh) 40 CFR Part 75; "Continuous emission monitoring;" as published in the July 1, 2017 Code of Federal Regulations.
- (iii) 40 CFR Part 75, Appendix B; "Quality assurance and quality control procedures;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26546,

26571, May 17, 1995; 61 FR 59165, Nov. 20, 1996; 64 FR 28644, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40456, 40457, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 67 FR 57274, Sept. 9, 2002; 70 FR 28693, May 18, 2005; 72 FR 51528, Sept. 7, 2007; 73 FR 4367, Jan. 24, 2008; 76 FR 17321, Mar. 28, 2011.

- (jjj) 40 CFR Part 75, Appendix B, Section 2.1.1; "Calibration Error Test;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26546, 26571, May 17, 1995; 61 FR 59165, Nov. 20, 1996; 64 FR 28644, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40456, 40457, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 67 FR 57274, Sept. 9, 2002; 70 FR 28693, May 18, 2005; 72 FR 51528, Sept. 7, 2007; 73 FR 4367, Jan. 24, 2008; 76 FR 17321, Mar. 28, 2011.
- (kkk) 40 CFR Part 75, Appendix F; "Conversion procedures;" 58 FR 3701, Jan. 11, 1993; Redesignated and amended at 60 FR 26553-26556, 26571, May 17, 1995; 61 FR 25585, May 22, 1996; 61 FR 59166, Nov. 20, 1996; 63 FR 57513, Oct. 27, 1998; 64 FR 28666-28671, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40474, 40475, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 70 FR 28695, May 18, 2005; 73 FR 4372, Jan. 24, 2008; 76 FR 17325, Mar. 28, 2011; 77 FR 2460, Jan. 18, 2012.
- (lll) 40 CFR Part 75, Subpart H; "NO_x mass emissions provisions;" as published in the July 1, 2017 Code of Federal Regulations.
- (mmm) 40 CFR Part 76; "Acid rain nitrogen oxides emission reduction program;" as published in the July 1, 2017 Code of Federal Regulations.
- (nnn) 40 CFR Part 77; "Excess emissions;" as published in the July 1, 2017 Code of Federal Regulations.
- (ooo) 40 CFR Part 78; "Appeal procedures for acid rain program;" as published in the July 1, 2017 Code of Federal Regulations.
- (ppp) 42 USC 7401; "Congressional findings and declaration of purpose;" published in Supplement III of the 2012 Edition of the United States Code.
- (qqq) 42 USC 7401 through 7671q; "The Public Health and Welfare -Air Pollution Prevention and Control;" published in Supplement III of the 2012 Edition of the United States Code.

- (rrr) ASME performance test code 4.2 (1969, reaffirmed 2016), "Coal Pulverizers;" 1969, reaffirmed 2016.
- (sss) ASTM D388-15, "Standard Classifications of Coals by Rank;" 2015.
- (ttt) ASTM D396-16e1, "Standard Specification for Fuel Oils;" 2016.
- (uuu) ASTM D975-16a, "Standard Specification for Diesel Fuel Oils;" 2016.
- (vvv) ASTM D2880-15, "Standard Specification for Gas Turbine Fuel Oils;" 2015.
- (www) ASTM D3172-13, "Standard Practice for Proximate Analysis of Coal and Coke;" 2013.
- (xxx) ASTM D3176-15, "Standard Practice for Ultimate Analysis of Coal and Coke;" 2015.
- (yyy) EIA-860 (2007); "Annual Electric Generator Report;" OMB No. 1905-0129.
- (zzz) EPA-600/R-12/531; "EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards;" May 2012.
- (aaaa) Federal Power Act; contained in 16 USC 791 to 828c; "Federal Regulation and Development of Power;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (bbbb) ISO 9931 (1991), "Coal - Sampling of Pulverized Coal Conveyed by Gases in Direct Fired Coal Systems, 1991."
- (cccc) Section 3 of the Federal Power Act, contained in 16 USC 796; "Federal Regulation and Development of Power; Definitions" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (dddd) Section 111 of the Clean Air Act, contained in 42 USC 7411; "Standards of performance for new stationary sources;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.

- (eeee) Section 113 of the Clean Air Act, contained in 42 USC 7413; "Federal enforcement;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (ffff) Section 402 of the Clean Air Act, contained in 42 USC 7651a; "Definitions;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (gggg) Section 403 of the Clean Air Act, contained in 42 USC 7651b; "Sulfur dioxide allowance program for existing and new units;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (hhhh) Section 404 of the Clean Air Act, contained in 42 USC 7651c; "Phase I sulfur dioxide requirements;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (iiii) Section 405 of the Clean Air Act, contained in 42 USC 7651d; "Phase II sulfur dioxide requirements;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (jjjj) Section 406 of the Clean Air Act, contained in 42 USC 7651e; "Allowances for States with emissions rates at or below 0.80 lbs/mmBtu;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (kkkk) Section 407 of the Clean Air Act, contained in 42 USC 7651f; "Nitrogen oxides emission reduction program;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (llll) Section 409 of the Clean Air Act, contained in 42 USC 7651h; "Repowered sources;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (mmmm) Section 410 of the Clean Air Act, contained in 42 USC 7651i; "Election for additional sources;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.
- (nnnn) Title I of the Clean Air Act, contained in 42 USC 7401-7431, 7470-7479, 7491, 7492, 7501-7509a, 7511-7515; "Provisions for attainment and maintenance of national ambient air quality standards;"

published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.

(oooo) Title IV of the Clean Air Act, contained in 42 USC 7651 through 7651o; "Acid deposition control;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.

(pppp) Title V of the Clean Air Act, contained in 42 USC 7661 through 7661f; "Permits;" published January 3, 2017 in Supplement III of the 2012 Edition of the United States Code.

(qqqq) USEPA Form 7610-16; "Acid Rain Permit Application;" revised December, 2016.

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10/20/2017

Applicability.

[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) Each of the following units shall be an affected unit, and any source that includes such a unit shall be an affected source, subject to the requirements of the acid rain program:
- (1) A unit listed in Table 1 of 40 CFR 73.10(a).
 - (2) An existing unit that is identified in Table 2 or 3 of 40 CFR 73.10 and any other existing utility unit, except a unit under paragraph (B) of this rule.
 - (3) A utility unit, except a unit under paragraph (B) of this rule, that meets any of the following:
 - (a) Is a new unit.
 - (b) Did not serve a generator with a nameplate capacity greater than twenty-five MWe on November 15, 1990 but serves such a generator after November 15, 1990.
 - (c) Was a simple combustion turbine on November 15, 1990 but adds or uses auxiliary firing after November 15, 1990.
 - (d) Was an exempt cogeneration facility under paragraph (B)(4) of this rule but during any three calendar year period after November 15, 1990 sold, to a utility power distribution system, an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand MWe-hrs electric output, on a gross basis.
 - (e) Was an exempt qualifying facility under paragraph (B)(5) of this rule but, at any time after the later of November 15, 1990 or the date the facility commences commercial operation, fails to meet the definition of qualifying facility.
 - (f) Was an exempt independent power production facility under paragraph (B)(6) of this rule but, at any time after the later of November 15, 1990 or the date the facility commences commercial operation, fails to meet

the definition of independent power production facility.

- (g) Was an exempt solid waste incinerator under paragraph (B)(7) of this rule but during any three calendar year period after November 15, 1990 consumes twenty per cent or more (on a Btu basis) fossil fuel.

(B) The following types of units are not affected units subject to the requirements of the acid rain program:

- (1) Any simple combustion turbine that commenced commercial operation before November 15, 1990.
- (2) Any unit that commenced commercial operation before November 15, 1990 and that did not, as of November 15, 1990, and does not currently, serve a generator with a nameplate capacity of greater than twenty-five MWe.
- (3) Any unit that, during 1985, did not serve a generator that produced electricity for sale and that did not, as of November 15, 1990, and does not currently, serve a generator that produces electricity for sale.
- (4) Any cogeneration facility which meets one of the following:
 - (a) For a unit that commenced construction on or prior to November 15, 1990, was constructed for the purpose of supplying equal to or less than one-third its potential electrical output capacity equal or two hundred nineteen thousand MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). If the purpose of construction is not known, it will be presumed to be consistent with the actual operation from 1985 through 1987. However, if in any three calendar year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the acid rain program.
 - (b) For units that commenced construction after November 15, 1990, supplies equal to or less than one-third its potential electrical output capacity or equal to or less than two hundred nineteen thousand MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). However, if in any three calendar year period after November 15, 1990, such unit sells to a utility power

distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the acid rain program.

(5) A qualifying facility that meets both of the following:

- (a) Has, as of November 15, 1990, one or more qualifying power purchase commitments to sell at least fifteen per cent of its total planned net output capacity.
- (b) Consists of one or more units designated by the owner or operator with total installed net output capacity not exceeding one hundred thirty per cent of the total planned net output capacity. If the emissions rates of the units are not the same, the USEPA may exercise discretion to designate which units are exempt.

(6) An independent power production facility that meets both of the following:

- (a) Has, as of November 15, 1990, one or more qualifying power purchase commitments to sell at least fifteen per cent of its total planned net output capacity.
- (b) Consists of one or more units designated by the owner or operator with total installed net output capacity not exceeding one hundred thirty per cent of its total planned net output capacity. If the emissions rates of the units are not the same, the USEPA may exercise discretion to designate which units are exempt.

(7) A solid waste incinerator, if more than eighty per cent (on a Btu basis) of the annual fuel consumed at such incinerator is other than fossil fuels. For solid waste incinerators which began operation before January 1, 1985, the average annual fuel consumption of non-fossil fuels for calendar years 1985 through 1987 shall be greater than eighty per cent for such an incinerator to be exempt. For solid waste incinerators which began operation after January 1, 1985, the average annual fuel consumption of non-fossil fuels for the first three years of operation shall be greater than eighty per cent for such an incinerator to be exempt. If, during any three calendar year period after November 15, 1990, such incinerator consume twenty per cent or more (on a Btu basis) fossil fuel, such incinerator shall be an affected source under the acid rain program.

- (8) A non-utility unit.
 - (9) A unit for which an exemption under rule 3745-103-03 or 3745-103-04 of the Administrative Code is in effect. Although such a unit is not an affected unit, the unit shall be subject to the requirements of rule 3745-103-03 or 3745-103-04 of the Administrative Code, as applicable to the exemption.
- (C) A certifying official of an owner or operator of any unit may petition the USEPA for a determination of applicability under this rule.
- (1) Petition content. The petition shall be in writing and include identification of the unit and relevant facts about the unit. In the petition, the certifying official shall certify, by the official's signature, the statement set forth in paragraph (A)(2)(b) of rule 3745-103-06 of the Administrative Code. Within ten business days of receipt of any written determination by the USEPA covering the unit, the certifying official shall provide each owner or operator of the unit, facility, or source with a copy of the petition and a copy of the USEPA's response.
 - (2) Timing. The petition may be submitted to the USEPA at any time but, if possible, should be submitted prior to the issuance (including renewal) of a phase II acid rain permit for the unit.

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New units exemption.

[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) **Applicability.** This rule applies to any new utility unit that has not previously lost an exemption and meets all of the following:

- (1) Serves during the entire year (except for any period before the unit commenced commercial operation) one or more generators with total nameplate capacity of twenty-five MWe or less.
- (2) Burns fuel that does not include any coal or coal-derived fuel (except coal-derived gaseous fuel with a total sulfur content no greater than natural gas).
- (3) Burns gaseous fuel with an annual average sulfur content of 0.05 per cent or less by weight and nongaseous fuel with an annual average sulfur content of 0.05 per cent or less by weight (as determined under paragraph (D) of this rule).

(B) **Exemption.**

- (1) Any new utility unit that meets the requirements of paragraph (A) of this rule and that is not allocated any allowances under 40 CFR Part 73, Subpart B shall be exempt from the acid rain program, except for provisions of this rule, rules 3745-103-01, 3745-103-02 and 3745-103-06 of the Administrative Code.
- (2) The exemption under paragraph (B)(1) of this rule shall be effective on January first of the first full calendar year for which the unit meets the requirements of paragraph (A) of this rule. By December thirty-first of the first year for which the unit is to be exempt under this rule, a statement signed by the designated representative (authorized in accordance with rule 3745-103-06 of the Administrative Code) or, if no designated representative has been authorized, a certifying official of each owner of the unit shall be submitted to the director and to the USEPA. The statement, in a format prescribed by the director and the USEPA, shall identify the unit, state the nameplate capacity of each generator served by the unit and the fuels currently burned or expected to be burned by the unit and their sulfur content by weight, and state that the owners and operators of the unit will comply with paragraph (F) of this rule.

- (3) After receipt of the statement under paragraph (B)(2) of this rule, the director shall amend under rule 3745-103-18 of the Administrative Code the operating permit covering the source at which the unit is located, if the source has such a permit, to add the provisions and requirements of the exemption under paragraphs (A), (B)(1), (D), and (F) of this rule.

(C) Further requirements.

- (1) Any new utility unit that meets the requirements of paragraph (A) of this rule and that is allocated one or more allowances under 40 CFR Part 73, Subpart B shall be exempt from the acid rain program, except for the provisions of this rule, rules 3745-103-01, 3745-103-02 and 3745-103-06 of the Administrative Code, if each of the following requirements are met:
 - (a) The designated representative (authorized in accordance with rule 3745-103-06 of the Administrative Code) or, if no designated representative has been authorized, a certifying official of each owner of the unit submits to the director as the person responsible for administering a phase II acid rain permit for the unit a statement (in a format prescribed by the director) that:
 - (i) Identifies the unit and states the nameplate capacity of each generator served by the unit, and the fuels currently burned or expected to be burned by the unit and their sulfur content by weight.
 - (ii) States that the owners or operators of the unit shall comply with paragraph (F) of this rule.
 - (iii) Surrenders allowances equal in number to, and with the same or earlier compliance use date as, all of those allocated to the unit under 40 CFR Part 73, Subpart B for the first year that the unit is to be exempt under this rule and for each subsequent year.
 - (iv) Surrenders any proceeds for allowances under paragraph (C)(1)(a)(iii) of this rule withheld for the unit under 40 CFR 73.10. A copy of the statement shall be submitted to the USEPA.
 - (b) The USEPA deducts from the compliance account of the source that includes the unit allowances under paragraph (C)(1)(a)(iii) of this rule and receives proceeds under paragraph (C)(1)(a)(iv) of this rule. Within five business days of receiving a statement in accordance with

paragraph (C)(1)(a) of this rule, the USEPA shall either deduct the allowances under paragraph (C)(1)(a)(iii) of this rule or notify the owners and operators that there are insufficient allowances to make such deductions.

- (2) The exemption under paragraph (C)(1) of this rule shall be effective on January first of the first full calendar year for which the requirements of paragraphs (A) and (C)(1) of this rule are met. After notification by the USEPA under the second sentence of paragraph (C)(1)(b) of this rule, the director shall amend under rule 3745-103-18 of the Administrative Code, the operating permit covering the source at which the unit is located, if the source has such a permit, to add the provisions and requirements of the exemption under paragraphs (A), (C)(1), (D), and (F) of this rule.
- (D) Compliance with the requirement that fuel burned during the year have an annual average sulfur content of 0.05 per cent by weight or less shall be determined as follows using a method of determining sulfur content that provides information with reasonable precision, reliability, accessibility, and timeliness:
- (1) For gaseous fuel burned during the year, if natural gas is the only gaseous fuel burned, the requirement is assumed to be met.
 - (2) For gaseous fuel burned during the year where other gas in addition to or besides natural gas is burned, the requirement is met if the annual average sulfur content is equal to or less than 0.05 per cent by weight. The annual average sulfur content, as percentage by weight, for the gaseous fuel burned shall be calculated as follows:

$$S_{\text{annual}} = \frac{\sum_{n=1}^{\text{last}} \%S_n V_n d_n}{\sum_{n=i}^{\text{last}} V_n d_n}$$

where:

$\%S_{\text{annual}}$ = annual average sulfur content of the fuel burned during the year by the unit, as a percentage by weight;

$\%S_n$ = sulfur content of the n^{th} sample of the fuel delivered during the year to the unit, as a percentage by weight;

V_n = volume of the fuel in a delivery during the year to the unit of which n^{th} sample is taken, in standard cubic feet; or, for fuel delivered during the year to the unit continuously by pipeline, volume of the fuel delivered starting from when the n^{th} of such fuel is taken until the next sample of such fuel is taken, in standard cubic feet;

d_n = density of the n^{th} sample of the fuel delivered during the year to the unit, in pounds per standard cubic foot; and

n = each sample taken of the fuel delivered during the year to the unit, taken at least once for each delivery; or, for fuel that is delivered during the year to the unit continuously by pipeline, at least once each quarter during which the fuel is delivered.

- (3) For nongaseous fuel burned during the year, the requirement is met if the annual average sulfur content is equal to or less than 0.05 per cent by weight. The annual average sulfur content, as a percentage by weight, shall be calculated using the equation in paragraph (D)(2) of this rule. In lieu of the factor,

volume times density ($V d$), in the equation, the factor, mass (M), may be used, where M is: mass of the nongaseous fuel in a delivery during the year to the unit of which the n^{th} sample is taken, in pounds; or, for fuel delivered during the year to the unit continuously by pipeline, mass of the nongaseous fuel delivered starting from when the n^{th} sample of such fuel is taken until the next sample of such fuel is taken, in pounds.

(E) Additional provisions.

- (1) A utility unit that was issued a written exemption under this rule and that meets the requirements of paragraph (A) of this rule shall be exempt from the acid rain program, except for the provisions of this rule and rules 3745-103-01 and 3745-103-02 of the Administrative Code and 40 CFR sections 72.3, 72.4, 72.5, 72.10, 72.11, 72.12 and 72.13 and shall be subject to the requirements of paragraphs (A), (D), (E)(2), and (F) of this rule in lieu of the requirements set forth in the written exemption. The director shall amend under rule 3745-103-18 of the Administrative Code the operating permit covering the source at which the unit is located, if the source has such a permit, to add the provisions and requirements of the exemption under this paragraph and paragraphs (A), (D), (E)(2), and (F) of this rule.
- (2) If a utility unit under paragraph (E)(1) of this rule is allocated one or more allowances under 40 CFR Part 73, Subpart B, the designated representative (authorized in accordance with 40 CFR Part 72, Subpart B) or, if no designated representative has been authorized, a certifying official of each owner of the unit shall submit to the director, a statement (in a format prescribed by the director) meeting the requirements of paragraphs (C)(1)(a)(iii) and (C)(1)(a)(iv) of this rule. The statement shall be submitted by June 30, 1998 and a copy submitted to the USEPA.

(F) Special provisions.

- (1) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under this rule shall meet both of the following:
 - (a) Comply with the requirements of paragraph (A) of this rule for all periods for which the unit is exempt under this rule.
 - (b) Comply with the requirements of the acid rain program concerning all periods for which the exemption is not in effect, even if such requirements arise, or shall be complied with, after the exemption takes

effect.

- (2) For any period for which the unit is exempt under this rule:
- (a) For purposes of applying 40 CFR Parts 70 and 71, the unit shall not be treated as an affected unit under the acid rain program and shall continue to be subject to any other applicable requirements under 40 CFR Parts 70 and 71.
 - (b) The unit shall not be eligible to be an opt-in source under rules 3745-103-22 to 3745-103-54 of the Administrative Code.
- (3) For a period of five years from the date the records are created, the owners and operators of a unit exempt under this rule shall retain at the source that includes the unit records demonstrating that the requirements of paragraph (A) of this rule are met. The five year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the director.
- (a) Such records shall include, for each delivery of fuel to the unit or for fuel delivered to the unit continuously by pipeline, the type of fuel, the sulfur content, and the sulfur content of each sample taken.
 - (b) The owners and operators bear the burden of proof that the requirements of paragraph (A) of this rule are met.
- (4) Loss of exemption.
- (a) On the earliest of the following dates, a unit exempt under paragraph (B), (C), or (E) of this rule shall lose the unit's exemption and for purposes of applying 40 CFR Parts 70 and 71, be treated as an affected unit under the acid rain program:
 - (i) The date on which the unit first serves one or more generators with total nameplate capacity in excess of twenty-five MWe.
 - (ii) The date on which the unit burns any coal or coal-derived fuel except for coal-derived gaseous fuel with a total sulfur content no greater than natural gas.

- (iii) January first of the year following the year in which the annual average sulfur content for gaseous fuel burned at unit exceeds 0.05 per cent by weight (as determined under paragraph (D) of this rule) or for nongaseous fuel burned at the unit exceeds 0.05 per cent by weight (as determined under paragraph (D) of this rule).
- (b) Notwithstanding paragraph (A) of rule 3745-103-07 of the Administrative Code, the designated representative for a unit that loses the unit's exemption under this rule shall submit a complete acid rain permit application on the later of January 1, 1998 or sixty days after the first date on which the unit is no longer exempt.
- (c) For the purpose of applying monitoring requirements under 40 CFR Part 75, a unit that loses the unit's exemption under this rule shall be treated as a new unit that commenced commercial operation on the first date on which the unit is no longer exempt.

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Retired units exemption.

[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) This rule applies to any affected unit (except for an opt-in source) that is permanently retired.

(B) Provisions.

(1) Any affected unit (except for an opt-in source) that is permanently retired is exempt from the acid rain program, except for the provisions of this rule, rules 3745-103-01 and 3745-103-02 of the Administrative Code, and 40 CFR Part 73, Subpart B.

(2) The exemption under paragraph (B)(1) of this rule becomes effective on January first of the first full calendar year during which that the unit is permanently retired. By December thirty-first of the first year that the unit is to be exempt under this rule, the designated representative (authorized in accordance with rule 3745-103-06 of the Administrative Code), or, if no designated representative has been authorized, a certifying official of each owner of the unit shall submit a statement to the director. A copy of the statement shall be submitted to USEPA. The statement shall state (in a format prescribed by the USEPA) that the unit is permanently retired and is complying with the requirements of paragraph (D) of this rule.

(3) After receipt of the notice under paragraph (B)(2) of this rule, the director shall amend under rule 3745-103-18 of the Administrative Code the operating permit covering the source at which the unit is located, if the source has such a permit, to add the provisions and requirements of the exemption under paragraphs (B)(1) and (D) of this rule.

(C) A unit that was issued a written exemption under this rule and that is permanently retired shall be exempt from the acid rain program, except for the provisions of this rule, rules 3745-103-01 and 3745-103-02 of the Administrative Code, and subpart B of 40 CFR Part 73, and shall be subject to the requirements of paragraph (D) of this rule in lieu of the requirements set forth in the written exemption. The director shall amend under rule 3745-103-18 of the Administrative Code the operating permit covering the source at which the unit is located, if the source has such a permit, to add the provisions and requirements of the exemption under this paragraph and paragraph (D) of this rule.

(D) Special provisions.

- (1) A unit exempted under this rule shall not emit any sulfur dioxide and nitrogen oxides starting on the date the exemption takes effect. The owners and operators of the unit shall be allocated allowances in accordance with 40 CFR Part 73, Subpart B.
- (2) A unit exempt under this rule shall not resume operation unless the designated representative of the source that includes the unit submits a complete acid rain permit application under rule 3745-103-07 of the Administrative Code for the unit not less than twenty-four months prior to the date on which the unit is to resume operation.
- (3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under this rule shall comply with the requirements of the acid rain program concerning all periods for which the exemption is not in effect, even if such requirements arise, or shall be complied with, after the exemption takes effect.
- (4) For any period for which a unit is exempt under this rule:
 - (a) For purposes of applying 40 CFR Parts 70 and 71, the unit shall not be treated as an affected unit under the acid rain program and shall continue to be subject to any other applicable requirements under 40 CFR Parts 70 and 71.
 - (b) The unit shall not be eligible to be an opt-in source under rules 3745-103-22 to 3745-103-54 of the Administrative Code.
- (5) For a period of five years from the date the records are created the owners and operators of a unit exempt under this rule shall retain at the source that includes the unit records demonstrating that the unit is permanently retired. The five year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the director. The owners and operators bear the burden of proof that the unit is permanently retired.
- (6) Loss of exemption.
 - (a) On the earlier of the following dates, a unit exempt under paragraph (B) or (C) of this rule shall lose the unit's exemption under the acid rain program and 40 CFR Parts 70 and 71:

- (i) The date on which the designated representative submits an acid rain permit application under paragraph (D)(2) of this rule.
 - (ii) The date on which the designated representative is required under paragraph (D)(2) of this rule to submit an acid rain permit application.
- (b) For the purpose of applying monitoring requirements under 40 CFR Part 75, a unit that loses the unit's exemption under this rule shall be treated as a new unit that commenced commercial operation on the first date on which the unit resumes operation.

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Standard requirements.

[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) Permit requirements.

- (1) The designated representative of each affected source and each affected unit at the source shall do both of the following:
 - (a) Submit a complete acid rain permit application under this chapter in accordance with the deadlines specified in rule 3745-103-07 of the Administrative Code.
 - (b) Submit within thirty days after notification by the director any supplemental information that the director determines is necessary in order to review an acid rain permit application and issue or deny an acid rain permit.
- (2) The owners and operators of each affected source and each affected unit at the source shall do both of the following:
 - (a) Operate the unit in compliance with a complete acid rain permit application or a superseding acid rain permit issued by the director.
 - (b) Have an acid rain permit.

(B) Monitoring requirements.

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR Part 75 and Section 407 of the Clean Air Act.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 75 shall be used to determine compliance by the source or unit, as appropriate, with the acid rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the acid rain program.
- (3) The requirements of 40 CFR Part 75 shall not affect the responsibility of the

owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Clean Air Act and other provisions of the operating permit for the source.

(C) Sulfur dioxide requirements.

- (1) The owners and operators of each source and each affected unit at the source shall do both of the following:
 - (a) Hold allowances, as of the allowance transfer deadline, in the source's compliance account, after deductions under 40 CFR 73.34(C), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source.
 - (b) Comply with the applicable acid rain emissions limitation for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the acid rain emissions limitations for sulfur dioxide shall constitute a separate violation of this rule.
- (3) An affected unit shall be subject to the requirements under paragraph (C)(1) of this rule as one of the following:
 - (a) Starting January 1, 2000, an affected unit under paragraph (A)(2) of rule 3745-103-02 of the Administrative Code.
 - (b) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under paragraph (A)(3) of rule 3745-103-02 of the Administrative Code.
- (4) Allowances shall be held in, deducted from, or transferred among allowance tracking system accounts in accordance with the acid rain program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (C)(1)(a) of this rule prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the USEPA under the acid rain program is a limited authorization to emit sulfur dioxide in accordance with the acid rain program. No provision of the acid rain program, the acid rain permit application, the

acid rain permit, or an exemption under rule 3745-103-03 or 3745-103-04 of the Administrative Code and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

- (7) An allowance allocated by the USEPA under the acid rain program does not constitute a property right.
- (D) Nitrogen oxides requirements. The owners and operators of the source and each affected unit at the source shall comply with the applicable acid rain emissions limitation for nitrogen oxides.
- (E) Excess emissions requirements.
- (1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan to the USEPA, as required under 40 CFR Part 77, and submit a copy to the director.
- (2) The owners and operators of an affected source that has excess emissions in any calendar year shall do both of the following:
- (a) Pay to the USEPA without demand the penalty required, and pay to the USEPA upon demand the interest on that penalty, in accordance with 40 CFR Part 77.
- (b) Comply with the terms of an approved offset plan, in accordance with 40 CFR Part 77.
- (F) Recordkeeping and reporting requirements.
- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Ohio EPA.
- (a) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such five year period until such documents are superseded because of

the submission of a new certificate of representation changing the designated representative.

- (b) All emissions monitoring information, in accordance with 40 CFR Part 75; provided to the extent that 40 CFR Part 75 provides for a three year period of recordkeeping, the three year period shall apply.
 - (c) Copies of all reports, compliance certifications, and other submissions and all records made or required under the acid rain program.
 - (d) Copies of all documents used to complete an acid rain permit application and any other submission under the acid rain program or to demonstrate compliance with the requirements of the acid rain program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the acid rain program.

(G) Liability.

- (1) Any person who knowingly violates any requirement or prohibition of the acid rain program, a complete acid rain permit application, an acid rain permit, or an exemption under rule 3745-103-03 or 3745-103-04 of the Administrative Code, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement by the USEPA pursuant to section 113(C) of the Clean Air Act and by the Ohio EPA pursuant to Chapter 3704. of the Revised Code.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the acid rain program shall be subject to criminal enforcement by the USEPA pursuant to section 113(c) of the Clean Air Act and 18 USC 1001 and by the director pursuant to Chapter 3704. of the Revised Code.
- (3) No permit revision shall excuse any violation of the requirements of the acid rain program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the acid rain program.
- (5) Any provision of the acid rain program that applies to an affected source,

including a provision applicable to the designated representative of an affected source, shall also apply to the owners and operators of such source and of the affected units at the source.

- (6) Any provision of the acid rain program that applies to an affected unit, including a provision applicable to the designated representative of an affected unit, shall also apply to the owners and operators of such unit.
 - (7) Each violation of a provision of rules 3745-103-01 to 3745-103-66 of the Administrative Code and 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78, by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation.
- (H) Effect on other authorities. No provision of the acid rain program, an acid rain permit application, an acid rain permit, or an exemption under rule 3745-103-03 or 3745-103-04 of the Administrative Code shall be construed as one of the following:
- (1) Except as expressly provided in Title IV of the Clean Air Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Clean Air Act, including the provisions of Title I of the Clean Air Act relating to applicable national ambient air quality standards or state implementation plans.
 - (2) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Clean Air Act.
 - (3) Requiring a change of any kind in any Ohio law regulating electric utility rates and charges, affecting any Ohio law regarding such Ohio regulation, or limiting such Ohio regulation, including any prudence review requirements under such Ohio law.
 - (4) Modifying the Federal Power Act or affecting the authority of the federal energy regulatory commission under the Federal Power Act.
 - (5) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

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Designated representative.

[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) Submissions.

- (1) Each submission under the acid rain program shall be submitted, signed, and certified by the designated representative for all sources on behalf of which the submission is made.
- (2) In each submission under the acid rain program, the designated representative shall certify, by the representative's signature, the following statements, which shall be included verbatim in such submission:
 - (a) "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made."
 - (b) "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
- (3) The director shall accept or act on a submission made on behalf of owners or operators of an affected source and an affected unit only if the submission has been made, signed, and certified in accordance with paragraphs (A)(1) and (A)(2) of this rule.
- (4) The designated representative of a source shall serve notice on each owner and operator of the source and of an affected unit at the source all of the following:
 - (a) By the date of submission, of any acid rain program submissions by the designated representative.
 - (b) Within ten business days of receipt of a determination, of any written determination by the USEPA or the Ohio EPA.

(c) Provided that the submission or determination covers the source or the unit.

- (5) The designated representative of a source shall provide each owner and operator of an affected unit at the source a copy of any submission or determination under paragraph (A)(4) of this rule, unless the owner or operator expressly waives the right to receive such a copy.

(B) Objections.

- (1) Except as provided in 40 CFR 72.23, no objection or other communication submitted to the USEPA or the director concerning the authorization, or any representation, action, inaction, or submission of the designated representative shall affect any representation, action, inaction, or submission of the designated representative, or the finality of any decision by the Ohio EPA, under the acid rain program. In the event of such communication, the director is not required to stay any submission or the effect of any action or inaction under the acid rain program.
- (2) The director shall not adjudicate any private legal dispute concerning the authorization or any submission, action, or inaction of any designated representative, including private legal disputes concerning the proceeds of allowance transfers.

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Acid rain permit applications.

[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) Requirement to apply.

- (1) Duty to apply. The designated representative shall submit a complete acid rain permit application for each source with an affected unit at least six months prior to the expiration of an existing acid rain permit governing the unit during phase II or an opt-in permit governing an opt-in source or such longer time as approved by the director under Chapter 3745-77 of the Administrative Code that ensures that the term of the existing permit will not expire before the effective date of the permit for which the application is submitted.
- (2) Deadlines. For the following sources, the designated representative shall submit to the director a complete acid rain permit application governing such unit in accordance with the following schedule:
 - (a) For any source with an existing unit described under paragraph (A)(2) of rule 3745-103-02 of the Administrative Code, the submission deadline is on or before January 1, 1996.
 - (b) For any source with a new unit described under paragraph (A)(3)(a) of rule 3745-103-02 of the Administrative Code, the submission deadline is at least twenty-four months before the later of January 1, 2000 or the date on which the unit commences operation.
 - (c) For any source with a unit described under paragraph (A)(3)(b) of rule 3745-103-02 of the Administrative Code, the submission deadline is at least twenty-four months before the later of January 1, 2000 or the date on which the unit begins to serve a generator with a nameplate capacity greater than twenty-five MWe.
 - (d) For any source with a unit described under paragraph (A)(3)(c) of rule 3745-103-02 of the Administrative Code, the submission deadline is at least twenty-four months before the later of January 1, 2000 or the date on which the auxiliary firing commences operation.
 - (e) For any source with a unit described under paragraph (A)(3)(d) of rule 3745-103-02 of the Administrative Code, the submission deadline is before the later of January 1, 1998 or March first of the year following

the three calendar year period in which the unit sold to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand MWe-hrs actual electric output on a gross basis.

- (f) For any source with a unit described under paragraph (A)(3)(e) of rule 3745-103-02 of the Administrative Code, the submission deadline is before the later of January 1, 1998 or March first of the year following the calendar year in which the facility fails to meet the definition of a "qualifying facility."
- (g) For any source with a unit described under paragraph (A)(3)(f) of rule 3745-103-02 of the Administrative Code, the submission deadline is before the later of January 1, 1998 or March first of the year following the calendar year in which the facility fails to meet the definition of an "independent power production facility."
- (h) For any source with a unit described under paragraph (A)(3)(g) of rule 3745-103-02 of the Administrative Code, the submission deadline is before the later of January 1, 1998 or March first of the year following the three calendar year period in which the incinerator consumed twenty per cent or more fossil fuel (on a Btu basis).

(B) Acid rain permit application forms.

A complete acid rain permit application shall be submitted on USEPA form 7610-16.

- (C) Where two or more affected units are located at a source, the director may, in the director's sole discretion, allow the designated representative of the source to submit, under paragraph (A)(1) of this rule, two or more acid rain permit applications covering the units at the source, provided that each affected unit is covered by only one application.

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Permit application shield and binding effect of permit application.

[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) Once a designated representative submits a timely and complete acid rain permit application, the owners and operators of the affected source and the affected units covered by the permit application shall be deemed in compliance with the requirement to have an acid rain permit under paragraph (A)(2) of rule 3745-103-05 and paragraph (A)(1) of rule 3745-103-07 of the Administrative Code; provided that any delay in issuing an acid rain permit is not caused by the failure of the designated representative to submit in a complete and timely fashion supplemental information, as required by the director, necessary to issue a permit.
- (B) Prior to the earlier of the date on which an acid rain permit is issued or denied, an affected unit governed by and operated in accordance with the terms and requirements of a timely and complete acid rain permit application shall be deemed to be operating in compliance with the acid rain program.
- (C) A complete acid rain permit application shall be binding on the owners and operators and the designated representative of the affected source and the affected units covered by the permit application and shall be enforceable as an acid rain permit from the date of submission of the complete permit application until the issuance or denial of such permit.
- (D) If a permit is appealed under 40 CFR Part 78, issuance or denial of the permit shall occur when the USEPA takes final action subject to judicial review.
- (E) 40 CFR Part 78 governs appeals of any final decision of the USEPA under 40 CFR Parts 72, 73, 74, 75, 76, and 77; provided that matters listed in paragraph (d) of 40 CFR 78.3 and preliminary, procedural, or intermediate decisions, such as draft acid rain permits, may not be appealed.
- (F) Filing an appeal, and exhausting administrative remedies, under 40 CFR Part 78 shall be a prerequisite to seeking judicial review. Final USEPA action occurs only when a decision appealable under 40 CFR Part 78 is issued and the procedures for appealing the decision are exhausted.

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Acid rain compliance plan and compliance options.

- (A) The compliance plan may include a NO_x averaging plan under rule 3745-103-63 of the Administrative Code and both of the following:
- (1) A plan for a compliance option that includes units at more than one affected source shall be complete only if both of the following apply:
 - (a) Such plan is signed and certified by the designated representative for each source with an affected unit governed by such plan.
 - (b) A complete permit application is submitted covering each unit governed by such plan.
 - (2) The director's approval of a plan under paragraph (A)(1) of this rule that includes units in more than one state shall be final only after every permitting authority with jurisdiction over any such unit has approved the plan with the same modifications or conditions, if any.
- (B) Conditional approval. In the compliance plan, the designated representative of an affected unit may propose, in accordance with this rule, any acid rain compliance option for conditional approval; provided that an acid rain compliance option under rules 3745-103-55 to 3745-103-66 of the Administrative Code may be conditionally proposed only to the extent provided in rules 3745-103-55 to 3745-103-66 of the Administrative Code.
- (1) To activate a conditionally approved acid rain compliance option, the designated representative shall notify the director in writing that the conditionally approved compliance option will actually be pursued beginning January first of a specified year. Such notification shall be subject to the limitations on activation under rules 3745-103-55 to 3745-103-66 of the Administrative Code. If the conditionally approved compliance option includes a plan described in paragraph (A)(1) of this rule, the designated representative of each source governed by the plan shall sign and certify the notification.
 - (2) The notification under paragraph (B)(1) of this rule shall specify the first calendar year and the last calendar year for which the conditionally approved acid rain compliance option is to be activated. A conditionally approved compliance option shall be activated, if at all, before the date of any enforceable milestone applicable to the compliance option. The date of activation of the compliance option shall not be a defense against failure to meet the requirements applicable to that compliance option during each calendar year for which the compliance option is activated.

- (3) Upon submission of a notification meeting the requirements of paragraphs (B)(1) and (B)(2) of this rule, the conditionally approved acid rain compliance option becomes binding on the owners and operators and the designated representative of any unit governed by the conditionally approved compliance option.
- (4) A notification meeting the requirements of paragraphs (B)(1) and (B)(2) of this rule will revise the unit's permit in accordance with rule 3745-103-18 of the Administrative Code.

(C) Termination of compliance option.

- (1) The designated representative for a unit may terminate an acid rain compliance option by notifying the director in writing that an approved compliance option will be terminated beginning January first of a specified year. Such notification shall be subject to the limitations on termination under rules 3745-103-55 to 3745-103-66 of the Administrative Code. If the compliance option includes a plan described in paragraph (A)(1) of this rule, the designated representative for each source governed by the plan shall sign and certify the notification.
- (2) The notification under paragraph (C)(1) of this rule shall specify the calendar year for which the termination will take effect.
- (3) Upon submission of a notification meeting the requirements of paragraphs (C)(1) and (C)(2) of this rule, the termination becomes binding on the owners and operators and the designated representative of any unit governed by the acid rain compliance option to be terminated.
- (4) A notification meeting the requirements of paragraphs (C)(1) and (C)(2) of this rule will revise the unit's permit in accordance with rule 3745-103-18 of the Administrative Code.

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Acid rain permit.

(A) Contents.

Each acid rain permit, including any draft or proposed acid rain permit, shall contain all of the following elements:

- (1) All elements required for a complete acid rain permit application under rule 3745-103-07 of the Administrative Code, as approved or adjusted by the director.
- (2) The applicable acid rain emissions limitation for sulfur dioxide.
- (3) The applicable acid rain emissions limitation for nitrogen oxides.

(B) Each acid rain permit is deemed to incorporate the definitions of terms under rule 3745-103-01 of the Administrative Code.

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3745-103-12

Permit shield.

[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."]

Each affected unit operated in accordance with the acid rain permit that governs the unit and that was issued in conjunction with Title IV of the Clean Air Act, as provided in rules 3745-103-01 to 3745-103-21 of the Administrative Code, and 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78, shall be deemed to be operating in compliance with the acid rain program, except as provided in paragraph (G)(6) of rule 3745-103-05 of the Administrative Code.

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Issuance of acid rain permits.

[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) State permit issuance.

- (1) The Ohio EPA shall be responsible for administering and enforcing acid rain permits effective in phase II for all affected sources that meet both of the following:
 - (a) The source is located in the geographic area covered by the operating permits program.
 - (b) To the extent that the accepted state acid rain program is applicable.
- (2) In administering and enforcing acid rain permits, the Ohio EPA shall comply with the procedures for issuance, revision, renewal, and appeal of acid rain permits under this rule and rules 3745-103-14 to 3745-103-20 of the Administrative Code.

(B) Permit issuance deadline.

- (1) The Ohio EPA, to the extent that it is responsible under paragraph (A) of this rule as of December 31, 1997 (or such later date as the USEPA may establish) for administering and enforcing acid rain permits, shall:
 - (a) On or before December 31, 1997, issue an acid rain permit for phase II covering the affected units (other than opt-in sources) at each source in the geographic area for which the program is approved; provided that the designated representative of the source submitted a timely and complete acid rain permit application in accordance with rule 3745-103-06 of the Administrative Code.
 - (b) On or before January 1, 1999, for each unit subject to an acid rain NO_x emission limitation, amend the acid rain permit under rule 3745-103-18 of the Administrative Code and add any NO_x early election plan that was approved by the USEPA under rule 3745-103-60 of the Administrative Code and has not been terminated and reopen the acid rain permit and add any other acid rain program nitrogen oxides requirements; provided that the designated representative of the affected source submitted a

timely and complete acid rain permit application for nitrogen oxides in accordance with rule 3745-103-06 of the Administrative Code.

- (2) Each acid rain permit issued in accordance with this rule shall have a term of five years commencing on the effective date; provided that, at the discretion of the Ohio EPA, an acid rain permit for phase II issued to a source may have a term of less than five years where necessary to coordinate the term of such permit with the term of an operating permit to be issued to the source under a state operating permit program. Each acid rain permit issued in accordance with paragraph (B)(1) of this rule shall take effect by the later of January 1, 2000, or, where the permit governs a unit under paragraph (A)(3) of rule 3745-103-02 of the Administrative Code, the deadline for monitor certification under 40 CFR Part 75.

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Acid rain permit appeal procedures.

[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) The USEPA may intervene as a matter of right in any administrative appeal of an acid rain permit or denial of an acid rain permit.
- (B) No administrative appeal concerning an acid rain requirement shall result in a stay of any of the following requirements:
 - (1) The allowance allocations for any year during which the appeal proceeding is pending or is being conducted.
 - (2) Any standard requirement under rule 3745-103-05 of the Administrative Code.
 - (3) The emissions monitoring and reporting requirements applicable to the affected units at an affected source under 40 CFR Part 75.
 - (4) Uncontested provisions of the decision on appeal.
 - (5) The terms of a certificate of representation submitted by a designated representative under 40 CFR Part 72, Subpart B.

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Permit revisions.

[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) This rule governs revisions to any acid rain permit issued by the director and the acid rain portion of any operating permit issued by the director.
- (B) Notwithstanding the operating permit revision procedures specified in 40 CFR Parts 70 and 71 and rule 3745-77-08 of the Administrative Code, the provisions of this rule and rules 3745-103-14 and 3745-103-16 to 3745-103-20 of the Administrative Code govern revision of any acid rain program permit provision.
- (C) The terms of the existing acid rain permit apply while the permit revision is pending, except as provided in rule 3745-103-18 of the Administrative Code for administrative permit amendments.
- (D) The standard requirements of rule 3745-103-05 of the Administrative Code shall not be modified or voided by a permit revision.
- (E) Any permit revision involving incorporation of a compliance option that was not submitted for approval and comment during the permit issuance process, or involving a change in a compliance option that was previously submitted, shall meet the requirements for applying for such compliance option under rules 3745-103-22 to 3745-103-66 of the Administrative Code.
- (F) Any designated representative who fails to submit any relevant information or who has submitted incorrect information in a permit revision shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or corrected information to the director.

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Permit modifications.

(A) Permit modifications shall meet both of the following:

- (1) Follow the permit issuance requirements of rule 3745-103-13 of the Administrative Code and the Ohio EPA's permit regulations adopted under rule 3745-77-07 of the Administrative Code.
- (2) For purposes of applying paragraph (A)(1) of this rule, be treated as acid rain permit applications, to the extent consistent with paragraphs (B) and (C) of rule 3745-103-15 of the Administrative Code.

(B) All of the following permit revisions are permit modifications:

- (1) Relaxation of an excess emission offset requirement after approval of the offset plan by the USEPA.
- (2) Incorporation of a final nitrogen oxides alternative emission limitation following a demonstration period.
- (3) At the option of the designated representative submitting the permit revision, the permit revisions listed in paragraph (B) of rule 3745-103-17 of the Administrative Code.
- (4) Changes in a thermal energy plan that result in any addition or subtraction of a replacement unit or any change affecting the number of allowances transferred for the replacement of thermal energy.

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Administrative permit amendment.

[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) Administrative amendments shall follow the procedures set forth under paragraph (B) of rule 3745-77-08 of the Administrative Code. The director shall submit the revised portion of the permit to the USEPA within ten working days after the date of final action on the request for an administrative amendment.

(B) The following permit revisions are administrative amendments:

- (1) Activation of a compliance option conditionally approved by the director; provided that all requirements for activation under paragraph (B) of rule 3745-103-09 of the Administrative Code are met.
- (2) Changes in the designated representative or alternative designated representative; provided that a new certificate of representation is submitted to the USEPA and the director in accordance with 40 CFR Part 72, Subpart B.
- (3) Correction of typographical errors.
- (4) Changes in names, addresses, or means of electronic transmission such as telephone or facsimile numbers, or e-mail addresses.
- (5) Changes in the owners or operators; provided that a new certificate of representation is submitted within thirty days to the USEPA and the director in accordance with 40 CFR Part 72, Subpart B.
- (6) Termination of a compliance option in the permit; provided that all requirements for termination under paragraph (C) of rule 3745-103-09 of the Administrative Code shall be met and this procedure shall not be used to terminate a repowering plan after December 31, 1999; for opt-in sources, termination of a compliance option in the permit; provided that all requirements for termination under rule 3745-103-48 of the Administrative Code are met.
- (7) Changes in the date, specified in a new unit's acid rain permit, of commencement of operation or the deadline for monitor certification, provided that the changes are in accordance with rule 3745-103-05 of the Administrative Code.
- (8) The addition of or change in a nitrogen oxides alternative emissions limitation demonstration period, provided that the requirements of rules 3745-103-55 to 3745-103-66 of the Administrative Code are met.

- (9) Changes in a thermal energy plan that do not result in the addition or subtraction of a replacement unit or any change affecting the number of allowances transferred for the replacement of thermal energy.
 - (10) The addition of a NO_x early election plan that was approved by the USEPA under 40 CFR 76.8 and by the director under rule 3745-103-60 of the Administrative Code.
 - (11) The addition of an exemption for which the requirement have been met under rules 3745-103-03 and 3745-103-04 of the Administrative Code.
 - (12) Adoption of changes that the director has determined to be similar to those in paragraphs (B)(1) to (B)(11) of this rule.
- (C) Issuance of amendment.
- (1) The director shall take final action on an administrative permit amendment, or for the addition of an alternative emissions limitation demonstration period. The source may implement any changes in the administrative permit amendment immediately upon submission of the requested amendment, provided that the requirements of paragraph (B) of this rule are met.
 - (2) The director may, on the director's own motion, make an administrative permit amendment under paragraph (B)(3), (B)(4), (B)(10), or (B)(11) of this rule at least thirty days after providing notice to the designated representative of the amendment and without providing any other prior public comment.
- (D) The director shall designate the permit revision under paragraph (B) of this rule as having been made as an administrative permit amendment. The director shall submit the revised portion of the permit to the USEPA.
- (E) An administrative amendment shall not be subject to the provisions for review by the USEPA and affected states applicable to a permit modification under rule 3745-103-16 of the Administrative Code and 40 CFR 72.81.

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Automatic permit amendment.

[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."]

The following permit revisions shall be deemed to amend automatically, and become a part of the affected unit's acid rain permit by operation of law without any further review:

- (A) Upon recordation by the USEPA under 40 CFR Part 73, all allowance allocations to, transfers to, and deductions from an affected unit's allowance tracking system account.
- (B) Incorporation of an offset plan that has been approved by the USEPA under 40 CFR Part 77.

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Permit reopenings.

[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) The director shall reopen an acid rain permit for cause whenever any of the following occur:
- (1) Any additional requirement under the acid rain program becomes applicable to any affected unit governed by the permit.
 - (2) The director determines that the permit contains a material mistake or that an inaccurate statement was made in establishing the emissions standards or other terms or conditions of the permit, unless the mistake or statement is corrected in accordance with rule 3745-103-18 of the Administrative Code.
 - (3) The director determines that the permit requires revision or revocation to assure compliance with acid rain program requirements.
- (B) In reopening an acid rain permit for cause, the director shall issue a draft permit changing the provisions, or adding the requirements, for which the reopening was necessary. The draft permit shall be subject to the requirements of rules 3745-103-11 and 3745-103-13 of the Administrative Code.
- (C) As provided in paragraph (B)(1) of rule 3745-103-13 of the Administrative Code and paragraph (c)(2) of 40 CFR 72.74, the director shall reopen an acid rain permit to incorporate nitrogen oxides requirements, consistent with rules 3745-103-55 to 3745-103-66 of the Administrative Code.

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Units with repowering extension plans.

[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) Removal from operation to repower. The designated representative of a unit governed by an approved repowering plan shall notify the USEPA and the Ohio EPA in writing at least sixty days in advance of the date on which the existing unit is to be removed from operation so that the qualified repowering technology can be installed, or is to be replaced by another unit with the qualified repowering technology, in accordance with the plan.
- (B) Commencement of operation. Not later than sixty days after the units repowered under an approved repowering plan commences operation at full load, the designated representative of the unit shall submit a report to the USEPA and the Ohio EPA comparing the actual hourly emissions and per cent removal of each pollutant controlled at the unit to the actual hourly emissions and per cent removal at the existing unit under the plan prior to repowering, determined in accordance with 40 CFR Part 75.
- (C) Decision to terminate. If at any time before the end of the repowering extension and before completion of construction and start-up testing, the owners and operators decide to terminate good faith efforts to design, construct, and test the qualified repowering technology on the unit to be repowered under an approved repowering plan, then the designated representative shall submit a notice to the USEPA and the Ohio EPA by the earlier of the end of the repowering extension or a date within thirty days of such decision, stating the date on which the decision was made.

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Opt-in purpose and scope.

[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."]

The purpose of rules 3745-103-22 to 3745-103-54 of the Administrative Code is to establish the requirements and procedures for both of the following:

- (A) The election of a combustion or process source that emits sulfur dioxide to become an affected unit under the acid rain program, pursuant to section 410 of the Clean Air Act.
- (B) Issuing and modifying operating permits; certifying monitors; and allocating, tracking, transferring, surrendering and deducting allowances for combustion or process sources electing to become affected units.

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3745-103-23

Opt-in applicability.

Combustion or process sources that are not affected units under rule 3745-103-02 of the Administrative Code and that operate and are located in the state of Ohio may submit an opt-in permit application to become opt-in sources upon issuance of an opt-in permit. Units for which an exemption under rule 3745-103-03 or 3745-103-04 of the Administrative Code is in effect and combustion or process sources that are not operating are not eligible to submit an opt-in permit application to become opt-in sources.

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Opt-in relationship to the acid rain program requirements.

[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.

- (1) For purposes of applying 40 CFR Parts 72, 73, 75, 77 and 78, each opt-in source shall be treated as an affected unit.
- (2) 40 CFR Part 72 Subparts A, B, G, and H, and rules 3745-103-01, 3745-103-02, 3745-103-03, 3745-103-04, and 3745-103-05 of the Administrative Code, apply to this rule.

(B) Permits. The director shall act in accordance with this rule and rules 3745-77-08 and 3745-103-13 of the Administrative Code, and 40 CFR Part 71 in issuing or denying an opt-in permit and incorporating the opt-in permit into a combustion or process source's operating permit. To the extent that any requirement of this rule, 40 CFR Part 72, 40 CFR Part 78, and rule 3745-103-13 of the Administrative Code, are inconsistent with the requirements of rule 3745-77-08 of the Administrative Code, 40 CFR Part 71, the requirements of this rule, 40 CFR Part 72, 40 CFR Part 78, rule 3745-103-13 of the Administrative Code, and section 3745.04 of the Revised Code, shall take precedence and govern the issuance, denials, revision, reopening, renewal, and appeal of the opt-in permit.

(C) Appeals.

- (1) The procedures for appeals of decisions of the director under this rule are contained in section 3745.04 of the Revised Code.
- (2) The procedures for appeals of decisions of the USEPA under this rule are contained in 40 CFR Part 78.

(D) Allowances. A combustion or process source that becomes an affected unit under this rule shall be subject to all the requirements of 40 CFR Part 73, Subparts C and D, consistent with rules 3745-103-41 to 3745-103-51 of the Administrative Code.

(E) Excess emissions. A combustion or process source that becomes an affected unit under this rule shall be subject to the requirements of 40 CFR Part 77 applicable to excess emissions of sulfur dioxide and shall not be subject to the requirements of 40 CFR Part 77 applicable to excess emissions of nitrogen oxides.

(F) Monitoring. A combustion or process source that becomes an affected unit under this rule shall be subject to all the requirements of 40 CFR Part 75, consistent with rules 3745-103-52 and 3745-103-53 of the Administrative Code.

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3745-103-25

Opt-in designated representative.

- (A) The provisions of rule 3745-103-06 of the Administrative Code apply to the designated representative of an opt-in source.

- (B) If a combustion or process source is located at the same facility as one or more affected units, the combustion or process source shall have the same designated representative as the other affected units at the facility.

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- (A) USEPA responsibilities. The USEPA shall be responsible for all of the following activities under the opt-in provisions of the acid rain program:
- (1) Calculating the baseline or alternative baseline and allowance allocation, and allocating allowances for combustion or process sources that become affected units under this rule.
 - (2) Certifying or recertifying monitoring systems for combustion or process sources as provided under rules 3745-103-52 to 3745-103-54 of the Administrative Code.
 - (3) Establishing allowance accounts, tracking allowances, assessing end-of-year compliance, determining reduced utilization, approving thermal energy transfer and accounting for the replacement of thermal energy, closing accounts for opt-in sources that shut down, are reconstructed, become affected under rule 3745-103-02 of the Administrative Code, or fail to renew their opt-in permit, and deducting allowances as provided under rules 3745-103-41 to 3745-103-51 of the Administrative Code.
 - (4) Ensuring that the opt-in source meets all withdrawal conditions prior to withdrawal from the acid rain program as provided in rule 3745-103-31 of the Administrative Code.
 - (5) Approving and disapproving the request to withdraw from the acid rain program.
- (B) Director responsibilities. The director shall be responsible for all of the following activities:
- (1) Issuing the draft and final opt-in permit.
 - (2) Revising and renewing the opt-in permit.
 - (3) Terminating the opt-in permit for an opt-in source as provided in rules 3745-103-31, 3745-103-47, and 3745-103-51 of the Administrative Code.

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Opt-in permit contents.

[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) The opt-in permit shall be included in the acid rain permit.
- (B) Scope. The opt-in permit provisions apply only to the opt-in source and not to any other affected units.
- (C) Contents. Each opt-in permit, including any draft or proposed opt-in permit, shall contain all of the following elements in a format specified by the USEPA:
 - (1) All elements required for a complete opt-in permit application as provided in rule 3745-103-29 of the Administrative Code for combustion sources or in rule 3745-103-30 of the Administrative Code for process sources or, if applicable, all elements required for a complete opt-in permit renewal application as provided in rule 3745-103-32 of the Administrative Code for combustion sources or rule 3745-103-30 of the Administrative Code for process sources.
 - (2) The allowance allocation for the opt-in source as determined by the USEPA under rules 3745-103-33 to 3745-103-39 of the Administrative Code for combustion sources or under rules 3745-103-40 to 3745-103-51 of the Administrative Code for process sources.
 - (3) The standard permit requirements as provided under rule 3745-103-05 of the Administrative Code, except that the provisions in paragraph (D) of rule 3745-103-05 of the Administrative Code shall not be included in the opt-in permit.
 - (4) Termination. The provision that participation of a combustion or process source in the acid rain program may be terminated only in accordance with rules 3745-103-31, 3745-103-47, and 3745-103-51 of the Administrative Code.
- (D) Each opt-in permit shall be deemed to incorporate the definitions of terms under rule 3745-103-01 of the Administrative Code.
- (E) Permit shield. Each opt-in source operated in accordance with the opt-in permit that governs the opt-in source and that was issued in compliance with Title IV of the Clean Air Act, as provided in 40 CFR Parts 72, 73, 74, 75, 77, and 78, shall be deemed to be operating in compliance with the acid rain program, except as

provided in paragraph (G)(6) of rule 3745-103-05 of the Administrative Code.

(F) Term of opt-in permit. An opt-in permit shall be issued for a period of five years and may be renewed in accordance with rule 3745-103-32 of the Administrative Code; provided that both of the following apply:

- (1) If an opt-in permit is issued prior to January 1, 2000, then the opt-in permit may, at the option of the director expire on December 31, 1999.
- (2) If an affected unit with an acid rain permit is located at the same source as the combustion source, the combustion source's opt-in permit may, at the option of the director, expire on the same date as the affected unit's acid rain permit expires.

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Opt-in permit process.

[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) **Submission.** The designated representative of a combustion or process source may submit an opt-in permit application and a monitoring plan to the director and a copy to the USEPA at any time for any combustion or process source that is operating.
- (B) **Issuance or denial of opt-in permits.** The director shall issue or deny opt-in permits or revisions of opt-in permits in accordance with the procedures in rule 3745-77-02 of the Administrative Code, 40 CFR Part 71, and 40 CFR Part 72, Subparts F and G, except as provided in this rule.
- (1) **Supplemental information.** Regardless of whether the opt-in permit application is complete, the USEPA or the director may request submission of any additional information that the USEPA or the director determines to be necessary in order to review the opt-in permit application or to issue an opt-in permit.
- (2) **Interim review of monitoring plan.** The USEPA will determine, on an interim basis, the sufficiency of the monitoring plan, accompanying the opt-in permit application. A monitoring plan shall be determined to be sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that all SO₂ emissions, NO_x emissions, CO₂ emissions, and opacity of the combustion² or process source^x are monitored² and reported in accordance with 40 CFR Part 75. This interim review of sufficiency shall not be construed as the approval or disapproval of the combustion or process source's monitoring system.
- (3) **Issuance of draft opt-in permit.** After the USEPA determines whether the combustion or process source's monitoring plan is sufficient under paragraph (B) of this rule, the director shall serve the draft opt-in permit or the denial of a draft permit or the draft opt-in permit revisions or the denial of draft opt-in permit revisions on the designated representative of the combustion or process source submitting an opt-in permit application. A draft permit or draft opt-in permit revision shall not be served or issued if the monitoring plan is determined not to be sufficient.
- (4) **Confirmation by source of intention to opt-in.** Within twenty-one calendar days from the date of service of the draft opt-in permit or the denial of the draft opt-in permit, the designated representative of a combustion or process source submitting an opt-in permit application shall submit to the USEPA and the

director, in writing, a confirmation or rescission of the source's intention to become an opt-in source under this rule. The USEPA shall treat the failure to make a timely submission as a rescission of the source's intention to become an opt-in source and as a withdrawal of the opt-in permit application.

- (5) Issuance of draft opt-in permit. If the designated representative confirms the combustion or process source's intention to opt in under paragraph (B) of this rule, the director shall give notice of the draft opt-in permit or denial of the draft opt-in permit and an opportunity for public comment, as provided in accordance with rule 3745-77-08 of the Administrative Code with regard to a draft permit or the denial of a draft permit.
- (6) Permit decision deadlines. The director shall issue or deny an opt-in permit within eighteen months of receipt of a complete opt-in permit application or such lesser time approved for operating permits under rule 3745-77-08 of the Administrative Code.
- (7) Withdrawal of opt-in permit application. A combustion or process source may withdraw the source's opt-in permit application at any time prior to the issuance of the final opt-in permit. Once a combustion or process source withdraws its application, in order to re-apply, the designated representative shall submit a new opt-in permit application in accordance with rule 3745-103-29 of the Administrative Code for combustion sources or rule 3745-103-30 of the Administrative Code for process sources.

(C) [Reserved.]

(D) Entry into the acid rain program.

- (1) Effective date. The effective date of the opt-in permit shall be either January first, April first, July first, or October first for a combustion or process source providing monthly data under rule 3745-103-33 of the Administrative Code, or January first for a combustion or process source providing annual data under rule 3745-103-33 of the Administrative Code, following the later of the issuance of the opt-in permit by the director or the completion of monitoring system certification, as provided in rules 3745-103-52 and 3745-103-53 of the Administrative Code for combustion sources or rule 3745-103-54 of the Administrative Code for process sources. The combustion or process source becomes an opt-in source and an affected unit as of the effective date of the opt-in permit.
- (2) Allowance allocation. After the opt-in permit becomes effective, the USEPA

shall allocate allowances to the opt-in source as provided in rule 3745-103-41 of the Administrative Code. If the effective date of the opt-in permit is not January first, allowances for the first year shall be prorated as provided in rule 3745-103-39 of the Administrative Code.

- (E) Expiration of opt-in permit. An opt-in permit that is issued before the completion of monitoring system certification under rules 3745-103-52 and 3745-103-53 of the Administrative Code for combustion sources or under rule 3745-103-54 of the Administrative Code for process sources shall expire one hundred eighty days after the director serves the opt-in permit on the designated representative of the combustion or process source governed by the opt-in permit, unless such monitoring system certification is complete. The designated representative may petition the USEPA and the director to extend this time period in which an opt-in permit expires and shall explain in the petition why such an extension should be granted. The designated representative of a combustion source governed by an expired opt-in permit that seeks to become an opt-in source shall submit a new opt-in permit application.

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Opt-in application requirements for combustion sources.

- (A) Opt-in permit application. Each complete opt-in permit application for a combustion source shall contain all of the following elements in a format prescribed by the USEPA:
- (1) Identification of the combustion source, including company name, plant name, plant site address, mailing address, description of the combustion source, and information and diagrams on the combustion source's configuration.
 - (2) Identification of the designated representative, including name, address, telephone or facsimile number, or other forms of electronic communication.
 - (3) The year and month the combustion source commenced operation.
 - (4) The number of hours the combustion source operated in the six months preceding the opt-in permit application and supporting documentation.
 - (5) The baseline or alternative baseline data under rule 3745-103-33 of the Administrative Code.
 - (6) The actual SO₂ emissions rate under rule 3745-103-34 of the Administrative Code.
 - (7) The allowable 1985 SO₂ emissions rate under rule 3745-103-35 of the Administrative Code.
 - (8) The current allowable SO₂ emissions rate under rule 3745-103-36 of the Administrative Code.
 - (9) The current promulgated SO₂ emissions rate under rule 3745-103-37 of the Administrative Code.
 - (10) If the combustion source seeks to qualify for a transfer of allowances from the replacement of thermal energy, a thermal energy plan as provided in rule 3745-103-48 of the Administrative Code for combustion sources.
 - (11) A statement whether the combustion source was previously an affected unit under this rule.
 - (12) A statement that the combustion source is not an affected unit under rule 3745-103-02 of the Administrative Code and does not have an exemption under rule 3745-103-03 or 3745-103-04 of the Administrative Code.
 - (13) A complete compliance plan for SO₂ under rule 3745-103-09 of the Administrative Code.

(14) The following statement signed by the designated representative of the combustion source: "I certify that the data submitted under rules 3745-103-33 to 3745-103-39 of the Administrative Code reflects actual operations of the combustion source and has not been adjusted in any way."

(B) Accompanying documents. The designated representative of the combustion source shall submit a monitoring plan in accordance with rule 3745-103-53 of the Administrative Code.

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Opt-in withdrawal.

[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) **Withdrawal through administrative amendment.** An opt-in source may request to withdraw from the acid rain program by submitting an administrative amendment under rule 3745-103-18 of the Administrative Code; provided that the amendment will be treated as received by the director upon issuance of the notification of the acceptance of the request to withdraw under paragraph (F)(1) of this rule.
- (B) **Requesting withdrawal.** To withdraw from the acid rain program, the designated representative of an opt-in source shall submit to the USEPA and the director a request to withdraw effective January first of the year after the year in which the submission is made. The submission shall be made no later than December first of the calendar year preceding the effective date of withdrawal.
- (C) **Conditions for withdrawal.** In order for an opt-in source to withdraw, the following conditions shall be met:
 - (1) By no later than January thirtieth of the first calendar year in which the withdrawal is to be effective, the designated representative shall submit to the USEPA an annual compliance certification report pursuant to rule 3745-103-44 of the Administrative Code.
 - (2) If the opt-in source has excess emissions in the calendar year before the year for which the withdrawal is to be in effect, the designated representative shall submit an offset plan for excess emissions, pursuant to 40 CFR Part 77, that provides for immediate deduction of allowances.
- (D) **USEPA's action on withdrawal.** After the opt-in source meets the requirements for withdrawal under paragraphs (B) and (C) of this rule, the USEPA shall deduct allowances required to be deducted under 40 CFR 73.35 and 40 CFR Part 77 and allowance equal in number to and with the same or earlier compliance use date as those allocated under rule 3745-103-41 of the Administrative Code for the first year for which the withdrawal is to be effective and all subsequent years.
- (E) **Opt-in source's prior violations.** An opt-in source that withdraws from the acid rain program shall comply with all requirements under the acid rain program concerning all years for which the opt-in source was an affected unit, even if such requirements arise, or shall be complied with after the withdrawal takes effect.

(F) Notification.

- (1) After the requirements for withdrawal under paragraphs (B) and (C) of this rule are met and after the USEPA's action on withdrawal under paragraph (D) of this rule is complete, the USEPA shall issue a notification to the director and the designated representative of the opt-in source of the acceptance of the opt-in source's request to withdraw.
- (2) If the requirements for withdrawal under paragraphs (B) and (C) of this rule are not met or the USEPA's action under paragraph (D) of this rule cannot be completed, the USEPA shall issue a notification to the director and the designated representative of the opt-in source that the opt-in source's request to withdraw is denied. If the opt-in source's request to withdraw is denied, the opt-in source shall remain in the opt-in program and remain subject to the requirements for opt-in sources contained in this rule.

(G) Permit amendment.

- (1) After the USEPA issues a notification under paragraph (F)(1) of this rule that the requirements for withdrawal have been met (including the deduction of the full amount of allowances as required in paragraph (D) of this rule), the director shall amend, in accordance with rules 3745-103-15 and 3745-103-18 of the Administrative Code, the opt-in source's acid rain permit to terminate the opt-in permit, not later than sixty days from the issuance of the notification under paragraph (F) of this rule.
- (2) The termination of the opt-in permit under paragraph (G)(1) of this rule will be effective of January first of the year for which the withdrawal is requested. An opt-in source continues to be an affected unit until the effective date of the termination.

(H) Reapplication upon failure to meet conditions of withdrawal. If the USEPA denies the opt-in source's request to withdraw, the designated representative may submit another request to withdraw in accordance with paragraphs (B) and (C) of this rule.

(I) Ability to return to the acid rain program. Once a combustion or process source withdraws from the acid rain program and the source's opt-in permit is terminated, a new opt-in permit application for the combustion or process source may not be submitted prior to the date that is four years after the date on which the opt-in permit became effective.

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Revision and renewal of opt-in permit.

[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) The designated representative of an opt-in source may submit revisions to its opt-in permit in accordance with rules 3745-103-16 to 3745-103-20 of the Administrative Code.
- (B) The designated representative of an opt-in source may renew its opt-in permit by meeting the following requirements:
- (1) In order to renew an opt-in permit if the director is the permitting authority for the renewed permit, the designated representative of an opt-in source shall submit to the director an opt-in permit application at least eighteen months prior to the expiration of an existing opt-in permit or such shorter time as may be approved for operating permits under rule 3745-77-08 of the Administrative Code.
 - (2) Each complete opt-in permit application submitted to renew an opt-in permit shall contain the following elements in a format prescribed by the USEPA:
 - (a) Elements contained in the opt-in source's initial opt-in permit application as specified under paragraphs (A)(1), (A)(2), (A)(10), (A)(12), and (A)(13) of rule 3745-103-29 of the Administrative Code.
 - (b) An updated monitoring plan, if applicable under 40 CFR 75.53(b).
- (C)
- (1) Upon receipt of an opt-in permit application submitted to renew an opt-in permit, the director shall issue or deny an opt-in permit in accordance with the requirements under rules 3745-103-26 to 3745-103-32 of the Administrative Code, except as provided in paragraph (C)(2) of this rule.
 - (2) When issuing a renewed opt-in permit, the director shall not alter an opt-in source's allowance allocation, as established under rule 3745-103-26 to 3745-103-39 of the Administrative Code for combustion sources and under rules 3745-103-26 to 3745-103-32 of the Administrative Code and rule 3745-103-40 of the Administrative Code for process sources, in the opt-in permit that is being renewed.

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Opt-in data for baseline and alternative baseline.**(A) Acceptable data.**

- (1) The designated representative of a combustion source shall submit either the baseline data specified in paragraphs (A)(2) and (A)(3) of this rule or alternative baseline data under paragraph (C) of this rule. The designated representative shall also submit the calculations under this rule based on such data.
- (2) The following baseline data shall be submitted for the combustion source for the calendar year under paragraph (A)(3) of this rule:
 - (a) Monthly or annual quantity of each type of fuel consumed, expressed in thousands of tons for coal, thousands of barrels for oil, and million standard cubic feet for natural gas. For other fuels, specify the units of measure.
 - (b) Monthly or annual heat content of fuel consumed for each type of fuel consumed, expressed in Btu per pound for coal, Btu per barrel for oil, and Btu per standard cubic foot for natural gas. For other fuels, specify the units of measure.
 - (c) Monthly or annual sulfur content of fuel consumed for each type of fuel consumed, expressed as a percentage by weight.

(3) Calendar years.

- (a) For combustion sources that commenced operating prior to January 1, 1985, data under this rule shall be submitted for calendar years 1985, 1986, and 1987.
- (b) For combustion sources that commenced operation after January 1, 1985, the data under this rule shall be submitted for the first three consecutive calendar years during which the combustion source operated after December 31, 1985.

(B) Calculation of baseline and alternative baseline.

- (1) For combustion sources that commenced operation prior to January 1, 1985, the baseline is the average annual quantity of fuel consumed during calendar years 1985, 1986, and 1987, expressed in million British thermal units. The baseline shall be calculated as follows:

$$\text{Baseline} = \frac{\sum_{\text{year}=1985}^{1987} \text{Annual Fuel Consumption}}{3}$$

Where,

(a) For a combustion source submitting monthly data,

$$\text{Annual Fuel Consumption} = \sum_{\text{Months}=\text{Jan}}^{\text{Dec}} \sum_{\text{Fuel Types}} \left[\frac{\text{Quantity of Fuel Consumed} \times}{\text{Heat Content} \times \text{Unit Conversion}} \right]$$

And unit conversion = 2 for coal

= 0.001 for oil

= 1 for gas

For other fuels, the combustion source shall specify unit conversion; or

(b) For a combustion source submitting annual data,

$$\text{Annual Fuel Consumption} = \sum_{\text{Fuel Type}} \left[\frac{\text{Quantity of Fuel Consumed} \times}{\text{Heat Content} \times \text{Unit Conversion}} \right]$$

And unit conversion = 2 for coal

= 0.001 for oil

= 1 for gas

For other fuels, the combustion source shall specify unit conversion.

(2) For combustion sources that commenced operation after January 1, 1985, the

alternative baseline is the average annual quantity of fuel consumed in the first three consecutive calendar years during which the combustion source operated after December 31, 1985, expressed in MMBtu. The alternative baseline shall be calculated as follows:

$$\text{Alternative Baseline} = \frac{\sum_{\text{First 3 Consecutive Years}} \text{Annual Fuel Consumption}}{3}$$

Where,

"Annual fuel consumption" is as defined under paragraph (B)(1)(a) or (B)(1)(b) of this rule.

(C) Alternative data.

(1) For combustion sources for which any of the data under paragraph (B) of this rule is not available due solely to a natural catastrophe, data as set forth in paragraph (A)(2) of this rule for the first three consecutive calendar years for which data is available after December 31, 1985, may be submitted. The alternative baseline for these combustion sources shall be calculated using the equation for alternative baseline in paragraph (B)(2) of this rule and the definition of annual fuel consumption in paragraph (B)(1)(a) or (B)(1)(b) of this rule.

(2) Except as provided in paragraph (C)(1) of this rule, no alternative data may be submitted. A combustion source that cannot submit all required data, in accordance with this rule, shall not be eligible to submit an opt-in permit application.

(D) USEPA's action. The USEPA may accept in whole or in part or with changes as appropriate, request additional information, or reject data or alternative data submitted for a combustion source's baseline or alternative baseline.

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Actual SO₂ emissions rate.

[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) Data requirements. The designated representative of a combustion source shall submit the calculations under this rule based on data submitted under rule 3745-103-33 of the Administrative Code for the following calendar year:

(1) For combustion sources that commenced operation prior to January 1, 1985, the calendar year for calculating the actual SO₂ emissions rate is 1985.

(2) For combustion sources that commenced operation after January 1, 1985, the calendar year for calculating the actual SO₂ emissions rate is the first year of the three consecutive calendar years of the alternative baseline under paragraph (B)(2) of rule 3745-103-33 of the Administrative Code.

(3) For combustion sources meeting the requirements of paragraph (C) of rule 3745-103-33 of the Administrative Code, the calendar year for calculating the actual SO₂ emissions rate is the first year of the three consecutive calendar years to be used as alternative data under paragraph (C) of rule 3745-103-33 of the Administrative Code.

(B) SO₂ emissions factor calculation. The SO₂ emissions factor for each type of fuel consumed during the specified year, expressed in pounds per thousand tons for coal, pounds per thousand barrels for oil and pounds per million cubic feet at standard conditions for gas, shall be calculated as follows:

SO₂ emissions factor = (Average percent of sulfur by weight) x (K), where,

Average per cent of sulfur by weight

= Annual average, for a combustion source submitting annual data

= Monthly average, for a combustion source submitting monthly data

K is equal to for the following:

= 39,000 for bituminous coal or anthracite

= 35,000 for subbituminous coal

= 30,000 for lignite

= 5,964 for distillate (light) oil

= 6,594 for residual (heavy) oil

= 0.6 for natural gas

For other fuels, the combustion source shall specify the SO₂ emissions factor.

(C) Annual SO₂ emissions calculation. Annual SO₂ emissions for the specified calendar year, expressed in pounds, shall be calculated as follows:

(1) For a combustion source submitting monthly data,

$$\text{Annual SO}_2 \text{ Emissions} = \sum_{\text{Month}=\text{Jan}}^{\text{Dec}} \sum_{\text{Fuel Types}} \left[\begin{array}{l} \text{Quantity of Fuel Consumed} \times \\ \text{SO}_2 \text{ Emissions Factor} \times \\ (1 - \text{Control System Efficiency}) \times \\ (1 - \text{Fuel Pretreatment Efficiency}) \end{array} \right]$$

(2) For a combustion source submitting annual data:

$$\text{Annual SO}_2 \text{ Emissions} = \sum_{\text{Fuel Types}} \left[\begin{array}{l} \text{Quantity of Fuel Consumed} \times \\ \text{SO}_2 \text{ Emissions Factor} \times \\ (1 - \text{Control System Efficiency}) \times \\ (1 - \text{Fuel Pretreatment Efficiency}) \end{array} \right]$$

Where,

"Quantity of fuel consumed" is as defined under paragraph (A)(2)(a) of rule 3745-103-33 of the Administrative Code; "SO₂ emissions factor" is as defined under paragraph (B) of this rule; "control system efficiency" is as defined under 40 CFR 60.48Da and 40 CFR Part 60, Appendix A, Method 19, if applicable; and "fuel pre-treatment efficiency" is as defined under 40 CFR 60.48Da and 40 CFR Part 60, Appendix A, Method 19, if applicable.

(D) Annual fuel consumption calculation. Annual fuel consumption for the specified calendar year, expressed in MMBtu, shall be calculated as defined under paragraph (B)(1) or (B)(2) of rule 3745-103-33 of the Administrative Code.

(E) Actual SO₂ emissions rate calculation. The actual SO₂ emissions rate for the specified

calendar year, expressed in pounds per MMBtu, shall be calculated as follows:

$$\text{Actual SO}_2 \text{ Emissions Rate} = (\text{Annual SO}_2 \text{ Emissions}) / (\text{Annual Fuel Consumption})$$

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1985 allowable SO₂ emissions rate.

(A) Data requirements. The designated representative of the combustion source shall submit the following data and the calculations under paragraph (C) of this rule based on the submitted data:

- (1) Allowable SO₂ emissions rate of the combustion source expressed in pounds per MMBtu as defined under rule 3745-103-01 of the Administrative Code for the calendar year specified in paragraph (B) of this rule. If the allowable SO₂ emissions rate is not expressed in pounds per MMBtu, the allowable emissions rate shall be converted to pounds per MMBtu by multiplying the emissions rate by the appropriate factor as specified in Table 1 of this rule.

Table 1: Factors to convert emission limits to pounds of SO₂/MMBtu

Unit Measurement	Bituminous Coal	Subbituminous Coal	Lignite Coal	Oil
lbs sulfur/MMBtu	2.0	2.0	2.0	2.0
% sulfur in fuel	1.66	2.22	2.86	1.07
PPM SO ₂	0.00287	0.00384		0.00167
PPM sulfur in fuel	--	--	--	0.00334
Tons SO ₂ /hour	2 X 8760 /(annual fuel consumption for specified year ¹ * 10 ³)			
lbs SO ₂ /hour	8760 /(annual fuel consumption for specified year ¹ * 10 ⁶)			

¹ Annual fuel consumption as defined under paragraph (B)(1) or (B)(2) of rule 3745-103-33 of the Administrative Code; specified calendar year as defined under paragraph (A)(2) of rule 3745-103-35 of the Administrative Code.

- (2) Citation of statute, regulations, and any other authority under which the allowable emissions rate under paragraph (A)(1) of this rule is established as applicable to the combustion source.
- (3) Averaging time associated with the allowable emissions rate under paragraph (A)(1) of this rule.
- (4) The annualization factor for the combustion source, based on the type of combustion source and the associated averaging time of the allowable emissions rate of the combustion source, as set forth in the Table 2 of this

rule:

Table 2: Annualization factors for SO₂ emission rates

Type of Combustion Source	Annualization Factor for Scrubbed Unit	Annualization Factor for Unscrubbed Unit
Unit combusting oil, gas, or some combination	1.00	1.00
Coal unit with averaging time < = 1 day	0.93	0.89
Coal unit with averaging time = 1 week	0.97	0.92
Coal unit with averaging time = 30 days	1.00	0.96
Coal unit with averaging time = 90 days	1.00	1.00
Coal unit with averaging time = 1 year	1.00	1.00
Coal unit with federal limit, but averaging time not specified	0.93	0.89

(B) Calendar year.

- (1) For combustion sources that commenced operation prior to January 1, 1985, the calendar year for the allowable SO₂ emissions rate is 1985.
- (2) For combustion sources that commenced operation after January 1, 1985, the calendar year for the allowable SO₂ emissions rate is the first year of the three consecutive calendar years of the alternative baseline under paragraph (B)(2) of rule 3745-103-33 of the Administrative Code.
- (3) For combustion sources meeting the requirements of paragraph (C) of rule 3745-103-33 of the Administrative Code, the calendar year for calculating the allowable SO₂ emissions rate is the first year of the three consecutive calendar years to be used as alternative data under paragraph (C) of rule 3745-103-33 of the Administrative Code.

(C) 1985 allowable SO₂ emissions rate calculation. The allowable SO₂ emissions rate for the specified calendar year shall be calculated as follows:

$$\text{1985 allowable SO}_2 \text{ emissions rate} = \frac{\text{allowable SO}_2 \text{ emissions rate}}{\text{(annualization factor)}}$$

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Current allowable SO₂ emissions rate.

The designated representative shall submit the following data:

- (A) Current allowable SO₂ emissions rate of the combustion source, expressed in pounds per MMBtu, which shall be the most stringent federally enforceable emissions limit in effect as of the date of submission of the opt-in application. If the allowable SO₂ emissions rate is not expressed in pounds per MMBtu, the allowable emissions rate shall be converted to pounds per MMBtu by multiplying the allowable rate by the appropriate factor as specified in Table 1 of rule 3745-103-35 of the Administrative Code.
- (B) Citations of statute, regulation, and any other authority under which the allowable emissions rate under paragraph (A) of this rule is established as applicable to the combustion source.
- (C) Averaging time associated with the allowable emissions rate under paragraph (A) of this rule.

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Current promulgated SO₂ emissions limit.

The designated representative shall submit the following data:

- (A) Current promulgated SO₂ emissions limit of the combustion source, expressed in pounds per MMBtu, which shall be the most stringent federally enforceable emissions limit that has been promulgated as of the date of submission of the opt-in permit application and that either is in effect on that date or will take effect after that date. If the promulgated SO₂ emissions limit is not expressed in pounds per MMBtu, the limit shall be converted to pounds per MMBtu by multiplying the limit by the appropriate factor as specified in Table 1 of rule 3745-103-35 of the Administrative Code.
- (B) Citations of statute, regulation and any other authority under which the emissions limit under paragraph (A) of this rule is established as applicable to the combustion source.
- (C) Averaging time associated with the emissions limit under paragraph (A) of this rule.
- (D) Effective date of the emissions limit under paragraph (A) of this rule.

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Opt-in allocation formula.

The USEPA will calculate the annual allowance allocation for a combustion source based on the data, corrected as necessary, under rules 3745-103-33 to 3745-103-37 of the Administrative Code as follows:

- (A) For combustion sources for which the current promulgated SO₂ emissions limit under rule 3745-103-37 of the Administrative Code is greater than or equal to the current allowable SO₂ emissions rate under rule 3745-103-36 of the Administrative Code, the number of allowances allocated for each year equals:

$$\text{Allowances} = \frac{\left[\begin{array}{c} \text{Baseline} \\ \text{or} \\ \text{Alternative Baseline} \end{array} \right] \times \text{the Lesser of} \left[\begin{array}{c} \text{Actual SO}_2 \text{ Emissions Rate} \\ \text{or} \\ \text{1985 Allowable SO}_2 \text{ Emissions Rate} \\ \text{or} \\ \text{Current Allowable SO}_2 \text{ Emissions Rate} \end{array} \right]}{2000}$$

- (B) For combustion sources for which the current promulgated SO₂ emissions limit under rule 3745-103-37 of the Administrative Code is less than the current allowable SO₂ emissions rate under rule 3745-103-36 of the Administrative Code,

- (1) The number of allowances for each year ending prior to the effective date of the promulgated SO₂ emissions limit equals:

$$\text{Allowances} = \frac{\left[\begin{array}{c} \text{Baseline} \\ \text{or} \\ \text{Alternative Baseline} \end{array} \right] \times \text{the Lesser of} \left[\begin{array}{c} \text{Actual SO}_2 \text{ Emissions Rate} \\ \text{or} \\ \text{1985 Allowable SO}_2 \text{ Emissions Rate} \\ \text{or} \\ \text{Current Allowable SO}_2 \text{ Emissions Rate} \end{array} \right]}{2000}$$

- (2) The number of allowances for the year that includes the effective date of the promulgated SO₂ emissions limit and for each year thereafter equals:

$$\text{Allowances} = \frac{\left[\begin{array}{c} \text{Baseline} \\ \text{or} \\ \text{Alternative Baseline} \end{array} \right] \times \text{the Lesser of} \left[\begin{array}{c} \text{Actual SO}_2 \text{ Emissions Rate} \\ \text{or} \\ \text{1985 Allowable SO}_2 \text{ Emissions Rate} \\ \text{or} \\ \text{Current Promulgated SO}_2 \text{ Emissions Rate} \end{array} \right]}{2000}$$

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Allowance allocation for combustion sources becoming opt-in sources on a date other than January first.

(A) Date of entry.

- (1) If an opt-in source provided monthly data under rule 3745-103-33 of the Administrative Code, the opt-in source's opt-in permit may become effective at the beginning of a calendar quarter as of January first, April first, July first, or October first.
- (2) If an opt-in source provided annual data under rule 3745-103-33 of the Administrative Code, the opt-in source's opt-in permit becomes effective on January first.

(B) Prorating by calendar quarter. Where a combustion source's opt-in permit becomes effective on April first, July first, or October first of a given year, the USEPA will prorate the allowance allocation for that first year by the calendar quarters remaining in the year as follows:

Allowances for the first year

= ((First Year Partial Baseline)/(Baseline or Alternate Baseline)) x (Annual Allocation of Allowances for the First Year)

(1) For combustion sources that commenced operations before January 1, 1985,

$$\text{First Year Partial Baseline} = \frac{\sum_{\text{Year}=1985}^{1987} \text{Fuel Consumption for Remaining Calendar Quarters}}{3}$$

(2) For combustion sources that commenced operations after January 1, 1985,

$$\text{First Year Partial Baseline} = \frac{\sum_{\text{First 3 Consecutive Years}} \text{Fuel Consumption for Remaining Calendar Quarters}}{3}$$

(3) Under paragraphs (B)(1) and (B)(2) of this rule,

- (a) "Remaining calendar quarters" shall be the calendar quarters in the first year for which the opt-in permit will be effective.

(b) Fuel consumption for remaining calendar quarters =

$$\sum_{\substack{\text{Dec} \\ \text{Months} = \text{Apr., July, or Oct}}} \sum_{\text{Fuel Types}} \left[\begin{array}{l} \text{Quantity of Fuel Consumed} \times \\ \text{Heat Content} \times \\ \text{Unit Conversion} \end{array} \right]$$

Where unit conversion = 2 for coal

= 0.001 for oil

= 1 for gas

For other fuels, the combustion source shall specify unit conversion;

And where starting month = April, if effective date is April first;

= July, if effective date is July first

= October, if effective date is October first

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Establishment of opt-in source allowance accounts.

- (A) Establishing accounts. Not earlier than the date on which a combustion or process source becomes an affected unit under this chapter and upon receipt of a request for a compliance account under paragraph (B) of this rule, the USEPA will establish a compliance account (unless the source that includes the opt-in source already has a compliance account) and allocate allowances in accordance with rules 3745-103-33 to 3745-103-39 of the Administrative Code for combustion sources or rule 3745-103-40 of the Administrative Code for process sources.

- (B) Request for opt-in account. On or after the effective date of the opt-in permit as specified in paragraph (D) of rule 3745-103-28 of the Administrative Code, the designated representative of the opt-in source shall, submit a letter to the USEPA requesting the opening of a compliance account (unless the source that includes the opt-in source already has a compliance account) in the allowance tracking system.

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Identifying allowances.

[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) Identifying allowances. Allowances allocated to an opt-in source shall be assigned a serial number that identifies the allowances as being allocated under an opt-in permit.

(B) Submittal of opt-in allowances for auction.

(1) An authorized account representative may offer for sale in the spot auction under 40 CFR 73.70 allowances that are allocated to opt-in sources, if the allowances have a compliance use date earlier than the year in which the spot auction is to be held and if the USEPA has completed the deductions for compliance under 40 CFR 73.35(b) for the compliance year corresponding to the compliance use date of the offered allowances.

(2) Authorized account representatives may not offer for sale in the advance auctions under 40 CFR 73.70 allowances allocated to opt-in sources.

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Prohibition on future year transfers.

- (A) With regard to a transfer request submitted for recordation during the period starting January first and ending with the allowance transfer deadline in the same year, the USEPA shall not record a transfer of an opt-in allowance that is allocated to an opt-in source for the year in which the transfer request is submitted or a subsequent year.
- (B) With regard to a transfer request during the period starting with the day after an allowance transfer deadline and ending December thirty-first in the same year, the USEPA shall not record a transfer of an opt-in allowance that is allocated to an opt-in source for a year after the year in which the transfer request is submitted.

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Annual compliance certification report.

[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) Applicability and deadline. For each calendar year in which an opt-in source is subject to the acid rain emissions limitations, the designated representative of the opt-in source shall submit to the USEPA, no later than sixty days after the end of the calendar year, an annual compliance certification report for the opt-in source.
- (B) Contents of report. The designated representative shall include all of the following in the annual compliance certification report the following elements, in a format prescribed by the USEPA, concerning the opt-in source and the calendar year covered by the report:
- (1) Identification of the opt-in source.
 - (2) An opt-in utilization report in accordance with rule 3745-103-45 of the Administrative Code for combustion sources.
 - (3) A thermal energy compliance report in accordance with rule 3745-103-48 of the Administrative Code for combustion sources, if applicable.
 - (4) Shutdown or reconstruction information in accordance with rule 3745-103-47 of the Administrative Code, if applicable.
 - (5) A statement that the opt-in source has not become an affected unit under rule 3745-103-02 of the Administrative Code.
 - (6) At the designated representative's option, the total number of allowances to be deducted for the year, using the formula in rule 3745-103-50 of the Administrative Code, and the serial numbers of the allowances that are to be deducted.
 - (7) In an annual compliance certification report for a year during 1995 to 2005, at the designated representative's option, for opt-in sources that share a common stack and whose emissions of sulfur dioxide are not monitored separately or apportioned in accordance with 40 CFR Part 75, the percentage of the total number of allowances under paragraph (B)(6) of this rule for all such affected units that is to be deducted from each affected unit's compliance subaccount.
 - (8) In an annual compliance certification report for a year during 1995 to 2005, the compliance certification under paragraph (C) of this rule.

(C) Annual compliance certification. In the annual compliance certification report under paragraph (A) of this rule, the designated representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the opt-in source in compliance with the acid rain program, whether the opt-in source was operated during the calendar year covered by the report in compliance with the requirements of the acid rain program applicable to the opt-in source, including all of the following:

- (1) Whether the opt-in source was operated in compliance with applicable acid rain emissions limitations, including whether the opt-in source held allowances, as of the allowance transfer deadline, in its compliance subaccount after accounting for any allowance deductions or other adjustments under 40 CFR 73.34(c) not less than the opt-in source's total sulfur dioxide emissions during the calendar year covered by the annual report.
- (2) Whether the monitoring plan that governs the opt-in source has been maintained to reflect the actual operation and monitoring of the opt-in source and contains all information necessary to attribute monitored emissions to the opt-in source.
- (3) Whether all the emissions from the opt-in source or group of affected units (including the opt-in source) using a common stack were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports in accordance with 40 CFR Part 75.
- (4) Whether the facts that form the basis for certification of each monitor at the opt-in source or group of affected units (including the opt-in source) using a common stack or of an opt-in source's qualifications for using an acid rain program accepted monitoring method or approved alternative monitoring method, if any, have changed.
- (5) If a change is required to be reported under paragraph (C)(4) of this rule, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitoring recertification.
- (6) When applicable, whether the opt-in source was operating in compliance with its thermal energy plan as provided in rule 3745-103-48 of the Administrative Code for combustion sources and rule 3745-103-49 of the Administrative Code for process sources.

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Reduced utilization for combustion sources.

[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) Calculation of utilization.**(1) Annual utilization.**

- (a) Except as provided in paragraph (A)(1)(b) of this rule, annual utilization for the calendar year shall be calculated as follows:

Annual utilization = actual heat input + reduction from improved efficiency

Where,

- (i) "Actual heat input" shall be the actual annual heat input (in MMBtu) of the opt-in source for the calendar year determined in accordance with appendix F of 40 CFR Part 75.
- (ii) "Reduction from improved efficiency" shall be the sum of the following four elements:
- (a) Reduction from demand side measures that improve the efficiency of electricity consumption.
 - (b) Reduction from demand side measures that improve the efficiency of steam consumption.
 - (c) Reduction from improvements in the heat rate at the opt-in source.
 - (d) Reduction from improvement in the efficiency of steam production at the opt-in source. Qualified demand side measures applicable to the calculation of utilization for opt-in sources are listed in appendix A, section 1 of 40 CFR Part 73.
- (iii) "Reduction from demand side measures that improve the efficiency of electricity consumption" shall be a good faith estimate of the

expected kilowatt hour savings during the calendar year for such measures and the corresponding reduction in heat input (in MMBtu) resulting from those measures. The demand side measures shall be implemented at the opt-in source, in the residence or facility to which the opt-in source delivers electricity for consumption or in the residence or facility of a customer to whom the opt-in source's utility system sells electricity. The verified amount of such reduction shall be submitted in accordance with paragraph (C)(2) of this rule.

- (iv) "Reduction from demand side measures that improve the efficiency of steam consumption" shall be a good faith estimate of the expected steam savings (in MMBtu) from such measures during the calendar year and the corresponding reduction in heat input (in MMBtu) at the opt-in source as a result of those measures. The demand side measures shall be implemented at the opt-in source or in the facility to which the opt-in source delivers steam for consumption. The verified amount of such reduction shall be submitted in accordance with paragraph (C)(2) of this rule.
- (v) "Reduction from improvements in heat rate" shall be a good faith estimate of the expected reduction in heat rate during the calendar year and the corresponding reduction in heat input (in MMBtu) at the opt-in source as a result of all improved unit efficiency measures at the opt-in source and may include supply-side measures listed in appendix A, section 2.1 of 40 CFR Part 73. The verified amount of such reduction shall be submitted in accordance with paragraph (C)(2) of this rule.
- (vi) "Reduction from improvement in the efficiency of steam production at the opt-in source" shall be a good faith estimate of the expected improvement in the efficiency of steam production at the opt-in source during the calendar year and the corresponding reduction in heat input (in MMBtu) at the opt-in source as a result of all improved steam production efficiency measures. In order to claim improvements in the efficiency of steam production, the designated representative of the opt-in source shall demonstrate to the satisfaction of the USEPA that the heat rate of the opt-in source has not increased. The verified amount of such reduction shall be submitted in accordance with paragraph (C)(2) of this rule.
- (vii) Notwithstanding paragraph (A)(1)(a)(ii) of this rule, where two or

more opt-in sources, or two or more opt-in sources and phase I units, include in their annual compliance certification reports their good faith estimate of kilowatt hour savings or steam savings from the same specific measures:

(a) The designated representatives of all such opt-in sources and phase I units shall submit with their annual compliance certification reports a certification signed by all such designated representatives. The certification shall apportion the total kilowatt hour savings or steam savings among such opt-in sources and phase I units.

(b) Each designated representative shall include in their annual compliance certification report only their share of kilowatt hour savings or steam savings.

(b) For an opt-in source whose opt-in permit becomes effective on a date other than January first,

Annual utilization for the first year shall be calculated as follows:

$$\text{Annual Utilization} = \frac{\text{Actual Heat Input For The Remaining Calendar Quarters}}{\text{}} + \frac{\text{Reduction From Improved Efficiency for The Remaining Calendar Quarters}}{\text{}}$$

Where "actual heat input" and "reduction from improved efficiency" are defined as set forth in paragraph (A)(1)(a) of this rule but are restricted to data or estimates for the "remaining calendar quarters", which are the calendar quarters that begin on or after the date the opt-in permit becomes effective.

(2) Average utilization. Average utilization for the calendar year shall be defined as the average of the annual utilization calculated as follows:

(a) For the first two calendar years after the effective date of an opt-in permit taking effect on January first, average utilization will be calculated as follows:

(i) Average utilization for the first year = annual utilization_{year 1}

Where "annual utilization_{year 1}" is as calculated under paragraph

(A)(1)(a) of this rule.

(ii) Average utilization for the second year

$$= \frac{\text{Revised Annual Utilization}_{\text{Year 1}} + \text{Annual Utilization}_{\text{Year 2}}}{2}$$

Where,

"Revised annual utilization_{year 1}" is as submitted for the year under paragraph (C)(2)(a)(ii) of this rule and adjusted under paragraph (C)(2)(c) of this rule; "annual utilization_{year 2}" is as calculated under paragraph (A)(1)(a) of this rule.

(b) For the first three calendar years after the effective date of the opt-in permit taking effect on a date other than January first, average utilization shall be calculated as follows:

(i) Average utilization for the first year after opt-in = annual utilization_{year 1} where "annual utilization_{year 1}" is as calculated under paragraph (A)(1)(b) of this rule.

(ii) Average utilization for the second year after opt-in

$$= \left[\frac{\text{Revised Annual Utilization}_{\text{Year 1}} + \text{Annual Utilization}_{\text{Year 2}}}{\left[\begin{array}{c} \text{Number of Months in Year 1 and Year 2 for which} \\ \text{the Opt - In Permit is Effective} \end{array} \right]} \right] \times 12$$

Where,

"Revised annual utilization_{year 1}" is as submitted for the year under paragraph (C)(2)(a)(ii) of this rule and adjusted under paragraph (C)(2)(c) of this rule; and "annual utilization_{year 2}" is as calculated under paragraph (A)(1)(b) of this rule.

(iii) Average utilization for the third year after opt-in

$$= \left[\frac{\text{Revised Annual Utilization}_{\text{year 1}} + \text{Annual Utilization}_{\text{year 2}} + \text{Annual Utilization}_{\text{year 3}}}{\left[\begin{array}{c} \text{Number of Months in Year 1, Year 2, and Year 3 for which} \\ \text{the Opt - In Permit is Effective} \end{array} \right]} \right] \times 12$$

Where,

"Revised annual utilization_{year 1}" is as submitted for the year under paragraph (C)(2)(a)(ii) of this rule and adjusted under paragraph (C)(2)(c) of this rule; and "revised annual utilization_{year 2}" is as submitted for the year under paragraph (C)(2)(a)(ii) of this rule; and "annual utilization_{year 3}" is as calculated under paragraph (A)(1)(b) of this rule.

- (c) Except as provided in paragraphs (A)(2)(a) and (A)(2)(b) of this rule, average utilization shall be the sum of annual utilization for the calendar year and the revised annual utilization, submitted under paragraph (C)(2)(a)(ii) of this rule and adjusted by the USEPA under paragraph (C)(2)(c) of this rule, for the two immediately preceding calendar years divided by three.

(B) Determination of reduced utilization and calculation of allowances.

- (1) Determination of reduced utilization. For a year during which its opt-in permit is effective, an opt-in source has reduced utilization if the opt-in source's average utilization for the calendar year, as calculated under paragraph (A) of this rule, is less than its baseline.
- (2) Calculation of allowances deducted for reduced utilization. If the USEPA determines that an opt-in source has reduced utilization for a calendar year during which the opt-in source's opt-in permit is in effect, the USEPA shall deduct allowances, as calculated under paragraph (B)(2)(a) of this rule, from the compliance subaccount of the opt-in source's allowance tracking system account.

(a) Allowances deducted for reduced utilization.

$$\text{Number of Allowances Allocated for the Calendar Year} \times \left[1 - \left[\frac{\text{Average Utilization}_{\text{Calendar Year}}}{\text{Baseline}} \right] \right]$$

- (b) The allowances deducted shall have the same or an earlier compliance use

date as those allocated under rules 3745-103-33 to 3745-103-39 of the Administrative Code for the calendar year for which the opt-in source has reduced utilization.

(C) Compliance.

(1) Opt-in utilization report. The designated representative for each opt-in source shall submit an opt-in utilization report for the calendar year, as part of its annual compliance certification report under rule 3745-103-44 of the Administrative Code, that shall include all of the following elements in a format prescribed by the USEPA:

- (a) The name, authorized account representative identification number, and telephone number of the designated representative of the opt-in source.
- (b) The account identification number in the allowance tracking system of the source that includes the opt-in source.
- (c) The opt-in source's annual utilization for the calendar year, as defined under paragraph (A)(1) of this rule, and the revised annual utilization, submitted under paragraph (C)(2)(a)(ii) of this rule and adjusted under paragraph (C)(2)(c) of this rule, for the two immediately preceding calendar years.
- (d) The opt-in source's average utilization for the calendar year, as defined under paragraph (A)(2) of this rule.
- (e) The difference between the opt-in source's average utilization and its baseline.
- (f) The number of allowances that shall be deducted, if any, using the formula in paragraph (B)(2)(a) of this rule and the supporting calculations.

(2) Confirmation report.

- (a) If the annual compliance certification report for an opt-in source includes estimates of any reduction in heat input resulting from improved efficiency as defined under paragraph (A)(1)(a) of this rule, the designated representative shall submit, by July first of the year in which the annual compliance certification report was submitted, a confirmation report, concerning the calendar year covered by the annual

compliance certification report. The USEPA may grant, for good cause shown, an extension of the time to file the confirmation report. The confirmation report shall include the following elements in a format prescribed by the USEPA:

- (i) Verified reduction in heat input. Any verified KWH savings or any verified steam savings from demand side measures that improve the efficiency of electricity or steam consumption, any verified reduction in the heat rate at the opt-in source, or any verified improvement in the efficiency of steam production at the opt-in source achieved and the verified corresponding reduction in heat input for the calendar year that resulted.
 - (ii) Revised annual utilization. The opt-in source's annual utilization for the calendar year as provided under paragraph (C)(1)(c) of this rule, recalculated using the verified reduction in heat input for the calendar year under paragraph (C)(2)(c)(v) of this rule.
 - (iii) Revised average utilization. The opt-in source's average utilization as provided under paragraph (C)(1)(d) of this rule, recalculated using the verified reduction in heat input for the calendar year under paragraph (C)(2)(a)(i) of this rule.
 - (iv) Recalculation of reduced utilization. The difference between the opt-in source's recalculated average utilization and its baseline.
 - (v) Allowance adjustment. The number of allowances that should be credited or deducted using the formulas in paragraphs (C)(2)(c)(iii) and (C)(2)(c)(iv) of this rule and the supporting calculations; and the number of adjusted allowances remaining using the formula in paragraph (C)(2)(a)(i) of this rule and the supporting calculations.
- (b) Documentation.
- (i) For all figures under paragraph (C)(2)(a)(i) of this rule, the opt-in source shall provide as part of the confirmation report, documentation (which may follow the USEPA conservation verification protocol) verifying the figures to the satisfaction of the USEPA.
 - (ii) Notwithstanding paragraph (C)(2)(a)(i) of this rule, where two or

more opt-in sources and phase I units, or two or more opt-in sources and phase I units include in the confirmation report under paragraph (C)(2) of this rule or 40 CFR 72.91(b) the verified kilowatt hour savings or steam savings defined under paragraph (C)(2)(a)(i) of this rule for the calendar year, from the same specific measures:

- (a) The designated representatives of all such opt-in sources and phase I units shall submit with their confirmation reports a certification signed by all such designated representatives. The certification shall apportion the total kilowatt hour savings or steam savings as defined under paragraph (C)(2)(a)(i) of this rule for the calendar year among such opt-in sources.
 - (b) Each designated representative shall include in the opt-in source's confirmation report only its share of the verified reduction in heat input as defined under paragraph (C)(2)(a)(i) of this rule for the calendar year under the certification under paragraph (C)(2)(b)(ii)(a) of this rule.
- (c) Determination of reduced utilization based on confirmation report.
- (i) If an opt-in source shall submit a confirmation report as specified under paragraph (C)(2) of this rule, the USEPA, upon such submittal, shall adjust its determination of reduced utilization for the calendar year for the opt-in source. Such adjustment shall include the recalculation of both annual utilization and average utilization, using verified reduction in heat input as defined under paragraph (C)(2)(a)(i) of this rule for the calendar year instead of the previously estimated values.
 - (ii) Estimates confirmed. If the total, included in the confirmation report, of the amounts of verified reduction in the opt-in source's heat input equals the total estimated in the opt-in source's annual compliance certification report for the calendar year, then the designated representative shall include in the confirmation report a statement indicating that it is true.
 - (iii) Underestimate. If the total, included in the confirmation report, of the amounts of verified reduction in the opt-in source's heat input is greater than the total estimated in the opt-in source's annual

compliance certification report for the calendar year, then the designated representative shall include in the confirmation report the number of allowances to be credited to the compliance account of the source that includes the opt-in source calculated using the following formula:

Allowances credited for the calendar year in which the reduced utilization occurred =

$$= \text{Number of Allowances Allocated for the Calendar Year} \times \left[\frac{(\text{Average Utilization}_{\text{Verified}}) - (\text{Average Utilization}_{\text{Estimate}})}{\text{Baseline}} \right]$$

Where,

Average utilization_{estimate} = the average utilization of the opt-in source as defined under paragraph (A)(2) of this rule, calculated using the estimated reduction in the opt-in source's heat input under paragraph (A)(1) of this rule, and submitted in the annual compliance certification report for the calendar year. Average utilization_{verified} = The average utilization of the opt-in source as defined under paragraph (A)(2) of this rule, calculated using the verified reduction in the opt-in source's heat input as submitted under paragraph (C)(2)(a)(i) of this rule by the designated representative in the confirmation report.

- (iv) Overestimate. If the total of the amounts of verified reduction in the opt-in source's heat input included in the confirmation report is less than the total estimated in the opt-in source's annual compliance certification report for the calendar year, then the designated representative shall include in the confirmation report the number of allowances to be deducted from the compliance account of the source that includes the opt-in source, which equals the absolute value of the result of the formula for allowances credited under paragraph (C)(2)(c)(iii) of this rule.
- (v) Adjusted allowances remaining. Unless paragraph (C)(2)(c)(ii) of this rule applies, the designated representative shall include in the confirmation report the adjusted amount of allowances that would have been held in the opt-in source's compliance subaccount if the deductions made under 40 CFR 73.35(b) had been based on the verified, rather than the estimated, reduction in the opt-in source's heat input, calculated as follows:

$$\text{Adjusted Amount Of Allowances} = \text{Allowances Held After Deduction} - \text{Excess Emissions} + \text{Allowances Credited} - \text{Allowances Deducted}$$

Where:

"Allowances held after deduction" shall be the amount of allowances held in the opt-in source's compliance subaccount after deduction of allowances was made under 40 CFR 73.35(b) based on the annual compliance certification report. "Excess emissions" shall be the amount, if any, of excess emissions determined under 40 CFR 73.35(d) for the calendar year based on the annual compliance certification report. "Allowances credited" shall be the amount of allowances calculated under paragraph (C)(2)(c)(iii) of this rule. "Allowances deducted" shall be the amount of allowances calculated under paragraph (C)(2)(c)(iv) of this rule.

- (a) If the result of the formula for "adjusted amount of allowances" is negative, the absolute value of the result constitutes excess emissions of sulfur dioxide. If the result is positive, there are no excess emissions of sulfur dioxide.
- (b) If the amount of excess emissions of sulfur dioxide calculated under "adjusted amount of allowances" differs from the amount of excess emissions of sulfur dioxide determined under 40 CFR 73.35 based on the annual compliance certification report, then the designated representative shall include in the confirmation report a demonstration of:
 - (i) The number of allowances that shall be deducted to offset any increase in excess emissions or returned to the account for any decrease in excess emissions.
 - (ii) The amount of the excess emissions penalty, excluding interest, that shall be paid or returned to the account for the change in excess emissions.
- (c) The USEPA shall deduct immediately from the compliance account of the source that includes the opt-in source the amount of allowances that USEPA or Ohio EPA determines necessary to offset any increase in excess emissions or shall

return immediately to the opt-in source's compliance subaccount the amount of allowances determined necessary to account for any decrease in excess emissions.

- (d) The designated representative may identify the serial numbers of the allowances to be deducted or returned. In the absence of such identification, the deduction shall be on a first-in, first-out basis under 40 CFR 73.35(c)(2) and the identification of allowances returned shall be at the USEPA's discretion.
- (e) If the designated representative of an opt-in source fails to submit on a timely basis a confirmation report, in accordance with paragraph (C)(2) of this rule, with regard to the estimate of reductions in heat input as defined under paragraph (C)(2)(a)(i) of this rule, then the USEPA shall reject such estimate and correct it to equal zero in the opt-in source's annual compliance certification report that includes that estimate. The USEPA shall deduct immediately, on a first-in, first-out basis under 40 CFR 73.35(c)(2), the amount of allowances that USEPA determines is necessary to offset any increase in excess emissions of sulfur dioxide that results from the correction and shall require the owners and operators of the opt-in source to pay an excess emission penalty in accordance with 40 CFR Part 77.
- (f) If the opt-in source is governed by an approved thermal energy plan under rule 3745-103-48 of the Administrative Code, and if the opt-in source is required to submit a confirmation report as specified under paragraph (C)(2) of this rule, the adjusted amount of allowances that should remain in the compliance account of the source that includes the opt-in source shall be calculated as follows:

$$\text{Adjusted amount of allowances} = \text{Allowances Allocated or Acquired} - \text{Tons Emitted} - \text{The Larger Of [Allowances Transferred To All Replacement Units Or Allowances Deducted For Reduced Utilization]}$$

Where, "allowances allocated or acquired" shall be the number of allowances held in the compliance account of the source that includes the opt-in source at the allowance transfer deadline plus the number of allowances transferred for the previous calendar year to all replacement units under an approved thermal energy plan in accordance with

paragraph (A)(6) of rule 3745-103-48 of the Administrative Code. "Tons emitted" shall be the total tons of sulfur dioxide emitted by the opt-in source during the calendar year, as reported in accordance with rules 3745-103-52 and 3745-103-53 of the Administrative Code for combustion sources. "Allowances transferred to all replacement units" shall be the sum of allowances transferred to all replacement units under an approved thermal energy plan in accordance with rule 3745-103-48 of the Administrative Code and adjusted by the USEPA in accordance with paragraph (D)(2) of rule 3745-103-48 of the Administrative Code. "Allowances deducted for reduced utilization" shall be the total number of allowances deducted for reduced utilization as calculated in accordance with this rule including any adjustments required under paragraph (C)(2)(c)(v) of this rule.

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Opt-in source permanent shutdown, reconstruction, or change in affected status.

[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) Notification.

- (1) When an opt-in source has permanently shutdown during the calendar year, the designated representative shall notify the USEPA and Ohio EPA of the date of shutdown, within thirty days of such shutdown.
- (2) When an opt-in source has undergone a modification that qualifies as a reconstruction as defined in 40 CFR 60.15, the designated representative shall notify the USEPA of the date of completion of the reconstruction, within thirty days of such completion.
- (3) When an opt-in source becomes an affected unit under rule 3745-103-02 of the Administrative Code, the designated representative shall notify the USEPA and Ohio EPA of such change in the opt-in source's affected status within thirty days of such change.

(B) USEPA's action.

- (1) The USEPA will terminate the opt-in source's opt-in permit and deduct allowances as provided below in any of the following circumstances:
 - (a) When an opt-in source has permanently shutdown. The USEPA shall deduct allowances equal in number to and with the same or earlier compliance use date as those allocated to the opt-in source under rule 3745-103-41 of the Administrative Code for the calendar year in which the shut down occurs and for all future years following the year in which the shut down occurs.
 - (b) When an opt-in source has undergone a modification that qualifies as a reconstruction as defined in 40 CFR 60.15. The USEPA shall deduct allowances equal in number to and with the same or earlier compliance use date as those allocated to the opt-in source under rule 3745-103-41 of the Administrative Code for the calendar year in which the reconstruction is completed and all future years following the year in which the reconstruction is completed.

- (c) When an opt-in source becomes an affected unit under rule 3745-103-02 of the Administrative Code. The USEPA shall deduct allowances equal in number to and with the same or earlier compliance use date as those allocated to the opt-in source under rule 3745-103-41 of the Administrative Code the calendar year in which the opt-in source becomes affected under rule 3745-103-02 of the Administrative Code and all future years following the calendar year in which the opt-in source becomes affected under rule 3745-103-02 of the Administrative Code.
- (d) When an opt-in source does not renew its opt-in permit. The USEPA shall deduct allowances equal in number to and with the same or earlier compliance use date as those allocated to the opt-in source under rule 3745-103-41 of the Administrative Code for the calendar year in which the opt-in source's opt-in permit expires and all future years following the year in which the opt-in source's opt-in permit expires.

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Transfer of allowances from the replacement of thermal energy; combustion sources.

[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) Thermal energy plan.

- (1) **General provisions.** The designated representative of an opt-in source that seeks to qualify for the transfer of allowances based on the replacement of thermal energy by a replacement unit shall submit a thermal energy plan subject to the requirements of paragraph (A) of rule 3745-103-09 of the Administrative Code for multi-unit compliance options and this rule. The effective period of the thermal energy plan shall begin at the beginning of the calendar quarter (either January first, April first, July first, or October first) for which the plan is approved and end December thirty-first of the last full calendar year for which the opt-in permit containing the plan is in effect.
- (2) **Applicability.** This rule applies to any designated representative of an opt-in source and any designated representative of each replacement unit seeking to transfer allowances based on the replacement of thermal energy.
- (3) **Contents.** Each thermal energy plan shall contain all of the following elements in a format prescribed by the USEPA:
 - (a) The calendar year and quarter that the thermal energy plan takes effect, which shall be the first year and quarter the replacement unit will replace thermal energy of the opt-in source.
 - (b) The name, authorized account representative identification number, and telephone number of the designated representative of the opt-in source.
 - (c) The name, authorized account representative identification number, and telephone number of the designated representative of each replacement unit.
 - (d) The account identification number in the allowance tracking system of the source that includes the opt-in source.
 - (e) The account identification number in the allowance tracking system of each source that includes a replacement unit.

- (f) The type of fuel used by each replacement unit.
- (g) The allowable SO₂ emissions rate, expressed in pounds of SO₂ per MMBtu, of each replacement unit for the calendar year for which the plan shall take effect. When a thermal energy plan is renewed in accordance with paragraph (A)(9) of this rule, the allowable SO₂ emission rate at each replacement unit shall be the most stringent federally enforceable allowable SO₂ emissions rate applicable at the time of renewal for the calendar year for which the renewal shall take effect. This rate shall not be annualized.
- (h) The estimated annual amount of total thermal energy to be reduced at the opt-in source, including all energy flows (steam, gas, or hot water) used for any process or in any heating or cooling application, and, for a plan starting April first, July first, or October first such estimated amount of total thermal energy to be reduced starting April first, July first or October first respectively and ending on December thirty-first.
- (i) The estimated amount of total thermal energy at each replacement unit for the calendar year prior to the year for which the plan is to take effect, including all energy flows (steam, gas, or hot water) used for any process or in any heating or cooling application, and, for a plan starting April first, July first, or October first, such estimated amount of total thermal energy for the portion of such calendar year starting April first, July first, or October first respectively and ending on December thirty-first.
- (j) The estimated annual amount of total thermal energy at each replacement unit after replacing thermal energy at the opt-in source, including all energy flows (steam, gas, or hot water) used for any process or in any heating or cooling application, and, for a plan starting April first, July first, or October first, such estimated amount of total thermal energy at each replacement unit after replacing thermal energy at the opt-in source starting April first, July first, or October first respectively and ending December thirty-first.
- (k) The estimated annual amount of thermal energy at each replacement unit, including all energy flows (steam, gas, or hot water) used for any process or in any heating or cooling application, replacing the thermal energy at the opt-in source, and, for a plan starting April first, July first, or October first, such estimated amount of thermal energy replacing thermal energy at the opt-in source starting April first, July first, or October first respectively and ending December thirty-first.

- (l) The estimated total annual fuel input at each replacement unit after replacing thermal energy at the opt-in source, and, for a plan starting April first, July first, or October first, such estimated total fuel input after replacing thermal energy at the opt-in source starting April first, July first, or October first respectively and ending December thirty-first.
 - (m) The number of allowances calculated under paragraph (B) of this rule that the opt-in source shall transfer to each replacement unit represented in the thermal energy plan.
 - (n) The estimated number of allowances to be deducted for reduced utilization under rule 3745-103-45 of the Administrative Code.
 - (o) Certification that each replacement unit has entered into a legally binding steam sales agreement to provide the thermal energy, as calculated under paragraph (A)(3)(k) of this rule, that it is replacing for the opt-in source. The designated representative of each replacement unit shall maintain and make available, at the USEPA or the director's request, copies of documents demonstrating that the replacement unit is replacing the thermal energy at the opt-in source.
- (4) Submission. The designated representative of the opt-in source seeking to qualify for the transfer of allowances based on the replacement of thermal energy shall submit a thermal energy plan to the director by no later than six months prior to the first calendar year for which the plan is to be in effect. The thermal energy plan shall be signed and certified by the designated representative of the opt-in source and each replacement unit covered by the plan.
- (5) Retirement of opt-in source upon enactment of plan.
- (a) If the opt-in source shall be permanently retired as of the effective date of the thermal energy plan, the opt-in source shall not be required to monitor its emissions upon retirement, consistent with 40 CFR 75.67, provided that the following requirements are met:
 - (i) The designated representative of the opt-in source shall include in the plan a request for an exemption from the requirements of 40 CFR Part 75 in accordance with 40 CFR 75.67 and shall submit the following statement: "I certify that the opt-in source "is" or "will be", as applicable permanently retired on the date specified in this plan and will not emit any sulfur dioxide or nitrogen

oxides after such date."

- (ii) The opt-in source shall not emit any sulfur dioxide or nitrogen oxides after the date specified in the plan.
 - (b) Notwithstanding the monitoring exemption discussed in paragraph (A)(5)(a) of this rule, the designated representative for the opt-in source shall submit the annual compliance certification report provided under paragraph (D) of this rule.
- (6) USEPA's action. If the director approves a thermal energy plan, the USEPA will annually transfer allowances to the compliance account of each source that includes a replacement unit, as provided in the approved plan.
- (7) Incorporation, modification and renewal of a thermal energy plan.
- (a) An approved thermal energy plan, including any revised or renewed plan that is approved, shall be incorporated into both the opt-in permit for the opt-in source and the acid rain permit for each replacement unit governed by the plan. Upon approval, the thermal energy plan shall be incorporated into the acid rain permit for each replacement unit pursuant to the requirements for administrative permit amendments under rule 3745-103-18 of the Administrative Code.
 - (b) In order to revise an opt-in permit to add an approved thermal energy plan or to change an approved thermal energy plan, the designated representative of the opt-in source shall submit a plan or a revised plan under paragraph (A)(4) of this rule and meet the requirements for permit revisions under rule 3745-103-15 of the Administrative Code and either rule 3745-103-16 or 3745-103-17 of the Administrative Code.
- (8) Termination of plan.
- (a) A thermal energy plan shall be in effect until the earlier of the expiration of the opt-in permit for the opt-in source or the year for which a termination of the plan takes effect under paragraph (A)(8)(b) of this rule.
 - (b) Termination of plan by opt-in source and replacement units. A notification to terminate a thermal energy plan in accordance with paragraph (C) of

rule 3745-103-09 of the Administrative Code shall be submitted no later than December first of the calendar year for which the termination shall take effect.

(c) If the requirements of paragraph (A)(8)(b) of this rule are met and upon revision of the opt-in permit of the opt-in source and the acid rain permit of each replacement unit governed by the thermal energy plan to terminate the plan pursuant to rule 3745-103-18 of the Administrative Code, the USEPA will adjust the allowances for the opt-in source and the replacement units to reflect the transfer back to the opt-in source of the allowances transferred from the opt-in source under the plan for the year for which the termination of the plan takes effect.

(9) Renewal of thermal energy plan. The designated representative of an opt-in source may renew the thermal energy plan as part of its opt-in permit renewal in accordance with rule 3745-103-32 of the Administrative Code.

(B) Calculation of transferable allowances.

(1) Qualifying thermal energy. The amount of thermal energy credited towards the transfer of allowances based on the replacement of thermal energy shall equal the qualifying thermal energy and shall be calculated for each replacement unit as follows:

Qualifying thermal energy = The estimated thermal energy at the replacement unit under paragraph (A)(3)(k) of this rule

(2) Fuel associated with qualifying thermal energy. The fuel associated with the qualifying thermal energy at each replacement unit shall be calculated as follows:

$$\text{Fuel associated with qualifying thermal energy} = \frac{\text{Qualifying thermal energy}}{\text{Efficiency constant}}$$

Where,

"Qualifying thermal energy" for the replacement shall be as defined in paragraph (B)(1) of this rule; "efficiency constant" for the replacement unit equals 0.85, where the replacement unit is a boiler, and equals 0.80, where the replacement unit is a cogenerator.

- (3) Allowances transferable from the opt-in source to each replacement unit. The number of allowances transferable from the opt-in source to each replacement unit for the replacement of thermal energy shall be calculated as follows:

$$\text{Transferable allowances for the replacement unit} = \frac{\text{Fuel associated with Qualifying thermal energy} \times \text{Allowable SO}_2 \text{ Emission Rate}_{\text{replacement unit in (lb/mmBtu)}}}{2000}$$

Where, "allowable SO₂ emission rate" for the replacement unit is as defined in paragraph (A)(3)(g) of this rule; "fuel associated with qualifying thermal energy" shall be as defined in paragraph (B)(2) of this rule.

- (C) Transfer prohibition. The allowances transferred from the opt-in source to each replacement unit shall not be transferred from the compliance account of the source that includes the replacement unit to any other allowance tracking system account.

(D) Compliance.

(1) Annual compliance certification report.

- (a) As required for all opt-in sources, the designated representative of the opt-in source covered by a thermal energy plan shall submit an opt-in utilization report for the calendar year as part of its annual compliance certification report under paragraph (C)(1) of rule 3745-103-45 of the Administrative Code.
- (b) The designated representative of an opt-in source shall submit a thermal energy compliance report for the calendar year as part of the annual compliance certification report, which shall include all of the following elements in a format prescribed by the USEPA:
- (i) The name, authorized account representative identification number, and telephone number of the designated representative of the opt-in source.
 - (ii) The name, authorized account representative identification number, and telephone number of the designated representative of each replacement unit.
 - (iii) The account identification number in the allowance tracking system of the source that includes the opt-in source.

- (iv) The account identification number in the allowance tracking system of each source that includes a replacement unit.
- (v) The actual amount of total thermal energy reduced at the opt-in source during the calendar year, including all energy flows (steam, gas, or hot water) used for any process or in any heating or cooling application.
- (vi) The actual amount of thermal energy at each replacement unit, including all energy flows (steam, gas, or hot water) used for any process or in any heating or cooling application, replacing the thermal energy at the opt-in source.
- (vii) The actual amount of total thermal energy at each replacement unit after replacing thermal energy at the opt-in source, including all energy flows (steam, gas, or hot water) used for any process or in any heating or cooling application.
- (viii) The actual total fuel input at each replacement unit as determined in accordance with 40 CFR Part 75.
- (ix) The calculations of allowance adjustments to be performed by the USEPA in accordance with paragraph (D)(2) of this rule.

(2) Allowance adjustments by USEPA.

- (a) The USEPA shall adjust the number of allowances in the compliance account for each source that includes the opt-in source or a replacement unit to reflect any changes between the estimated values submitted in the thermal energy plan pursuant to paragraph (A) of this rule and the actual values submitted in the thermal energy compliance report pursuant to paragraph (D) of this rule. The values to be considered for this adjustment include:
 - (i) The number of allowances transferable by the opt-in source to each replacement unit, calculated in paragraph (B) of this rule using the actual, rather than estimated, thermal energy at the replacement unit replacing thermal energy at the opt-in source.
 - (ii) The number of allowances deducted from the compliance account of the source that includes the opt-in source, calculated under

paragraph (B)(2) of rule 3745-103-45 of the Administrative Code.

- (b) If the opt-in source includes in the opt-in utilization report under rule 3745-103-45 of the Administrative Code estimates for reductions in heat input, then the USEPA shall adjust the number of allowances in the compliance account for each source that includes the opt-in source or a replacement unit to reflect any differences between the estimated values submitted in the opt-in utilization report and the actual values submitted in the confirmation report pursuant to paragraph (C)(2) of rule 3745-103-45 of the Administrative Code.

- (3) Liability. The owners and operators of an opt-in source or a replacement unit governed by an approved thermal energy plan shall be liable for any violation of the plan or this rule at that opt-in source or replacement unit that is governed by the thermal energy plan, including liability for fulfilling the obligations specified in 40 CFR Part 77 and section 411 of the Clean Air Act.

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10/20/2017

Calculation for deducting allowances.

- (A) Allowance deduction formula. The following formula shall be used to determine the total number of allowances to be deducted for the calendar year from the allowances held in the compliance account of a source that includes an opt-in source as of the allowance transfer deadline applicable to that year:

Total allowances deducted = tons emitted + allowances deducted for reduced utilization, where:

- (1) Except as provided in paragraph (A)(2) of this rule, "tons emitted" shall be the total tons of sulfur dioxide emitted by the opt-in source during the calendar year, as reported in accordance with rules 3745-103-52 and 3745-103-53 of the Administrative Code for combustion sources or rule 3745-103-54 of the Administrative Code for process sources.
 - (2) If the effective date of the opt-in source's permit took effect on a date other than January first, "tons emitted" for the first calendar year shall be the total tons of sulfur dioxide emitted by the opt-in source during the calendar quarters for which the opt-in source's opt-in permit is effective, as reported in accordance with rule 3745-103-52 and 3745-103-53 of the Administrative Code for combustion sources.
- (B) "Allowances deducted for reduced utilization" shall be the total number of allowances deducted for reduced utilization as calculated in accordance with rule 3745-103-45 of the Administrative Code for combustion sources or rule 3745-103-46 of the Administrative Code for process sources.

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Deducting opt-in source allowances from allowance tracking system accounts.

[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) Deduction of allowances.

- (1) The USEPA may deduct any allowances that were allocated to an opt-in source under rule 3745-103-41 of the Administrative Code by removing, from any allowance tracking system accounts in which they are held, the allowances in an amount specified in paragraph (D) of this rule, under any of the following circumstances:
 - (a) When the opt-in source has permanently shut down.
 - (b) When the opt-in source has been reconstructed.
 - (c) When the opt-in source becomes an affected unit under rule 3745-103-02 of the Administrative Code.
 - (d) When the opt-in source fails to renew its opt-in permit.
- (2) An opt-in allowance may not be deducted under paragraph (A)(1) of this rule from any allowance tracking system account other than the account of the source that includes the opt-in source allocated such allowance if either of the following applies:
 - (a) After the USEPA has completed the process of recordation as set forth in paragraph (a) of 40 CFR 73.34 following the deduction of allowances from the compliance account of the source that includes the opt-in source for the year for which such allowance may first be used.
 - (b) If the opt-in source includes in the annual compliance certification report estimates of any reduction in heat input resulting from improved efficiency under paragraph (A)(1)(a) of rule 3745-103-45 of the Administrative Code, after the USEPA has completed action on the confirmation report concerning such estimated reduction pursuant to paragraphs (C)(2)(c)(v)(c), (C)(2)(c)(v)(d), and (C)(2)(c)(v)(e) of rule 3745-103-45 of the Administrative Code for the year for which such allowance may first be used.

- (B) Method of deduction. The USEPA shall deduct allowances beginning with those allowances with the latest recorded date of transfer out of the compliance account of the source that includes the opt-in source.
- (C) Notification of deduction. When allowances are deducted, the USEPA shall send a written notification to the authorized account representative of each allowance tracking system account from which allowances were deducted. The notification shall state all of the following:
- (1) The serial numbers of all allowances deducted from the account.
 - (2) The reason for deducting the allowances.
 - (3) The date of deduction of the allowances.
- (D) Amount of deduction. The USEPA may deduct allowances in accordance with paragraph (A) of this rule in an amount required to offset any excess emissions in accordance with 40 CFR Part 77 and when the source that includes the opt-in source does not hold allowances equal in number to and with the same or earlier compliance use date for the calendar years specified under paragraphs (B)(1)(a) to (B)(1)(d) of rule 3745-103-47 of the Administrative Code in an amount required to be deducted under paragraphs (B)(1)(a) to (B)(1)(d) of rule 3745-103-47 of the Administrative Code.

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Monitoring requirements.

[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) Monitoring requirements for combustion sources. The owner or operator of each combustion source shall meet all of the requirements specified in 40 CFR Part 75 for the owners and operators of an affected unit to install, certify, operate, and maintain a continuous emission monitoring system, an excepted monitoring system, or an approved alternative monitoring system in accordance with 40 CFR Part 75.
- (B) Monitoring requirements for opt-in sources. The owner or operator of each opt-in source shall install, certify, operate, and maintain a continuous emission monitoring system, an excepted monitoring system, or an approved alternative monitoring system in accordance with 40 CFR Part 75.

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Monitoring plan.

[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."]

Monitoring plan. The designated representative of a combustion source shall meet all of the requirements specified under 40 CFR Part 75 for a designated representative of an affected unit to submit to the USEPA a monitoring plan that includes the information required in a monitoring plan under 40 CFR 75.53. This monitoring plan shall be submitted as part of the combustion sources opt-in permit application under rule 3745-103-28 of the Administrative Code.

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[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) Except as provided in paragraphs (B) to (D) of this rule, the provisions apply to each coal-fired utility unit that is subject to an acid rain emissions limitation or reduction requirement for SO₂ under phase I or phase II pursuant to Sections 404, 405, or 409 of the Clean Air Act.
- (B) The emission limitations for NO_x under rules 3745-103-55 to 3745-103-66 of the Administrative Code apply to each affected coal-fired utility unit subject to Section 404(d) or 409(b) of the Clean Air Act on the date the unit is required to meet the acid rain emissions reduction requirement for SO₂.
- (C) The provisions of rules 3745-103-55 to 3745-103-66 of the Administrative Code apply to each coal-fired substitution unit or compensating unit, designated and approved by USEPA as a phase I unit pursuant to 40 CFR 72.41 or 40 CFR 72.43 as follows:
 - (1) A coal-fired substitution unit that is designated in a substitution plan that is approved by USEPA and active as of January 1, 1995 shall be treated as a phase I coal-fired utility unit for purposes of this rule. In the event the designation of such unit as a substitution unit is terminated after December 31, 1995, pursuant to 40 CFR 72.41 and the unit is no longer required to meet phase I SO₂ emissions limitations, the provisions of this part shall continue to apply.
 - (2) A coal-fired substitution unit that is designated in a substitution plan that is not approved by USEPA or not active as of January 1, 1995, or a coal-fired compensating unit, shall be treated as a phase II coal-fired utility unit for purposes of this rule.
- (D) The provisions of rules 3745-103-55 to 3745-103-66 of the Administrative Code for phase I units apply to each coal-fired transfer unit governed by a phase I extension plan, approved pursuant to 40 CFR 72.42, on January 1, 1997. Notwithstanding the preceding sentence, a coal-fired transfer unit shall be subject to the acid rain emissions limitations for nitrogen oxides beginning on January 1, 1996 if, for that year, a transfer unit is allocated fewer phase I extension reserve allowances than the maximum amount that the designated representative could have requested in accordance with 40 CFR 72.42(c)(5) (as adjusted under 40 CFR 72.42(d)) unless the transfer unit is the last unit allocated phase I extension reserve allowances under the plan.

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3745-103-56

General acid rain program provisions.

- (A) All of the following provisions of this chapter apply to rules 3745-103-55 and 3745-103-57 to 3745-103-66 of the Administrative Code:
 - (1) Rule 3745-103-01 of the Administrative Code (definitions and incorporation by reference).
 - (2) Rule 3745-103-02 of the Administrative Code (applicability).
 - (3) Rule 3745-103-04 of the Administrative Code (retired units exemption).
 - (4) Rule 3745-103-05 of the Administrative Code (standard requirements).
- (B) In addition, the procedures for appeals of decisions under rules 3745-103-55 and 3745-103-57 to 3745-103-66 of the Administrative Code are contained in section 3745.04 of the Revised Code.

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NO_x emission limitations for group one phase I 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) Beginning January 1, 1996, or for a unit subject to section 404(D) of the Clean Air Act, the date on which the unit is required to meet acid rain emission reduction requirements for SO₂, the owner or operator of a phase I coal-fired utility unit with a tangentially fired boiler or a dry bottom wall-fired boiler (other than units applying cell burner technology) shall not discharge, or allow to be discharged, emissions of NO_x to the atmosphere in excess of the following limits, except as provided in paragraph (C) or (E) of this rule or in rule 3745-103-62 or 3745-103-63 of the Administrative Code:
- (1) Forty-five hundredths pound per MMBtu of heat input on an annual average basis for tangentially fired boilers.
 - (2) Fifty hundredths pound per MMBtu of heat input on an annual average basis for dry bottom wall-fired boilers (other than units applying cell burner technology).
- (B) The owner or operator shall determine the annual average NO_x emission rate, in pound per MMBtu, using the methods and procedures specified in 40 CFR Part 75.
- (C) Unless the unit meets the early election requirement of rule 3745-103-60 of the Administrative Code the owner or operator of a coal-fired substitution unit with a tangentially fired boiler or a dry bottom wall-fired boiler (other than units applying cell burner technology) that satisfies the requirements of paragraph (C)(2) of rule 3745-103-55 of the Administrative Code, shall comply with the NO_x emission limitations that apply to group one, phase II boilers.
- (D) The owner or operator of a phase I unit with a cell burner boiler that converts to a conventional wall-fired boiler on or before January 1, 1995 or, for a unit subject to Section 404(d) of the Clean Air Act, the date the unit is required to meet acid rain emissions reduction requirements for SO₂ shall comply, by such respective date or January 1, 1996, whichever is later, with the NO_x emissions limitation applicable to dry bottom wall-fired boilers under paragraph (A) of this rule, except as provided in paragraph (C) or (E) of this rule or in rule 3745-103-62 or 3745-103-63 of the Administrative Code.
- (E) The owner or operator of a phase I unit with a group one boiler that converts to a fluidized bed or other type of utility boiler not included in group one boilers on or before January 1, 1995 or, a unit subject to Section 404(d) of the Clean Air Act, the

date the unit is required to meet acid rain emissions reduction requirements for SO₂ is exempt from the NO_x emissions limitations specified in paragraph (A) of this rule, but shall comply with the NO_x emission limitations for group two boilers under rule 3745-103-58 of the Administrative Code.

(F) Except as provided in rule 3745-103-60 of the Administrative Code and in paragraph (C) of this rule, each unit subject to the requirements of this rule is not subject to the requirements of rule 3745-103-59 of the Administrative Code.

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NO_x emission limitations for group two 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) Beginning January 1, 2000 or, for a unit subject to Section 409(b) of the Clean Air Act, the date on which the unit is required to meet acid rain emission reduction requirements for SO₂, the owner or operator of a group two coal-fired boiler with a cell burner boiler, cyclone boiler, a wet bottom boiler, or a vertically fired boiler shall not discharge, or allow to be discharged, emissions of NO_x to the atmosphere in excess of the following limits, except as provided in rule 3745-103-62 or 3745-103-63 of the Administrative Code:
- (1) Sixty-eight hundredths pound per MMBtu of heat input on an annual average basis for cell burner boilers. The NO_x emission control technology on which the emission limitation is based is plug-in combustion controls or non-plug-in combustion controls. Except as provided in paragraph (D) of rule 3745-103-57 of the Administrative Code, the owner or operator of a unit with a cell burner boiler that installs non-plug-in combustion controls shall comply with the emission limitation applicable to cell burner boilers.
 - (2) Eighty-six hundredths pound per MMBtu of heat input on an annual average basis for cyclone boilers with a maximum continuous steam flow at one hundred per cent of load of greater than one thousand sixty, in thousands of pounds per hour. The NO_x emission control technology on which the emission limitation is based is natural gas reburning or selective catalytic reduction.
 - (3) Eighty-four hundredths pound per MMBtu of heat input on an annual average basis for wet bottom boilers, with a maximum continuous steam flow at one hundred per cent of load of greater than four hundred fifty, in thousands of pounds per hour. The NO_x emission control technology on which the emission limitation is based is natural gas reburning or selective catalytic reduction.
 - (4) Eighty hundredths pound per MMBtu of heat input on an annual average basis for vertically fired boilers. The NO_x emission control technology on which the emission limitation is based is combustion controls.
- (B) The owner or operator shall determine the annual average NO_x emission rate, in pound per MMBtu, using the methods and procedures specified in 40 CFR Part 75.

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[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) Beginning January 1, 2000, the owner or operator of a group one, phase II coal-fired utility unit with a tangentially fired boiler or a dry bottom wall-fired boiler shall not discharge, or allow to be discharged, emissions of NO_x to the atmosphere in excess of the following limits, except as provided in rule 3745-103-60, 3745-103-62, or 3745-103-63 of the Administrative Code:
- (1) Forty hundredths pound per MMBtu of heat input on an annual average basis for tangentially fired boilers.
 - (2) Forty six hundredths pound per MMBtu of heat input on an annual average basis for dry bottom wall-fired boilers other than units applying cell burner technology.
- (B) The owner or operator shall determine the annual average NO_x emission rate, in pound per MMBtu, using the methods and procedures specified in 40 CFR Part 75.

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[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_x 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_x 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_x 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 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_x for phase II units with group one boilers under rule 3745-103-59^x 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_x for phase II units with group one boilers under rule 3745-103-59^x of the Administrative Code.

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Permit application and compliance plans.**(A) Duty to apply.**

(1) The designated representative of any source with an affected unit subject to this rule shall submit, by the applicable deadline under paragraph (B) of this rule, a complete acid rain permit application (or, if the unit is covered by an acid rain permit, a complete permit revision) that includes a complete compliance plan for NO_x emissions covering the unit.

(2) The original copy of the permit application and compliance plan for NO_x emissions for phase II shall be submitted to the director, and one copy of the compliance plan for NO_x emissions submitted to USEPA headquarters, acid rain division.

(B) Deadlines. For a phase I or phase II unit with a group one or group two boiler, the designated representative shall have submitted a complete permit application and compliance plan for NO_x emissions covering the unit in phase II to the director and USEPA not later than January 1, 1998, except that early election units shall also submit an application to USEPA not later than January 1, 1997.

(C) Information requirements for NO_x compliance plans. A complete compliance plan for NO_x shall, for each affected unit included in the permit application and subject to this rule, either certify that the unit will comply with the applicable emissions limitation under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code or specify one or more other acid rain compliance options for NO_x in accordance with the requirements of this rule. A complete compliance plan for NO_x for a source shall include all of the following elements in a format prescribed by the director:

(1) Identification of the source.

(2) Identification of each affected unit that is at the source and is subject to this rule.

(3) Identification of the boiler type of each unit.

(4) Identification of the compliance option proposed for each unit (i.e., meeting the applicable emissions limitation under rule 3745-103-57 (NO_x emission limitation for group one, phase I boilers); 3745-103-58 (NO_x emission limitation for group two boilers); or 3745-103-59 (NO_x emission limitation for group one, phase II boilers); 3745-103-60 (early election); 3745-103-62 (alternative emission limitation); or 3745-103-63 (NO_x emissions averaging) of the Administrative Code; and any additional information required for the appropriate option in accordance with this rule;

- (5) Reference to the standard requirements in rule 3745-103-05 of the Administrative Code.
 - (6) The requirements of paragraph (A) of rule 3745-103-06 of the Administrative Code.
- (D) Duty to reapply. The designated representative of any source with an affected unit subject to this rule shall submit a complete acid rain permit application, including a complete compliance plan for NO_x emissions covering the unit, in accordance with the deadlines in paragraph (A)(1) of rule 3745-103-07 of the Administrative Code.

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Emissions averaging.

[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. In lieu of complying with the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, any affected units subject to such emission limitation, under control of the same owner or operator, and having the same designated representative may average their NO_x emissions under an averaging plan approved under this rule.
- (1) Each affected unit included in an averaging plan for phase II shall be a boiler subject to an emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code for all years for which the unit is included in the plan.
 - (2) Each unit included in an averaging plan shall have an alternative contemporaneous annual emission limitation (pound per MMBtu) and can only be included in one averaging plan.
 - (3) Each unit included in an averaging plan shall have a minimum allowable annual heat input value (MMBtu), if it has an alternative contemporaneous annual emission limitation more stringent than that unit's applicable emission limitation under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, and a maximum allowable annual heat input value, if it has an alternative contemporaneous annual emission limitation less stringent than that unit's applicable emission limitation under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code.
 - (4) The Btu-weighted annual average emission rate for the units in an averaging plan shall be less than or equal to the Btu-weighted annual average emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code.
 - (5) In order to demonstrate that the proposed plan is consistent with paragraph (A)(4) of this rule, the alternative contemporaneous annual emission limitations and annual heat input values assigned to the units in the proposed averaging plan shall meet the following requirement:

$$\frac{\sum_{i=1}^n (R_{Li} \times HI_i)}{\sum_{i=1}^n HI_i} \leq \frac{\sum_{i=1}^n (R_{ii} \times HI_i)}{\sum_{i=1}^n HI_i} \quad \text{(Equation 1)}$$

where:

R_{Li} = alternative contemporaneous annual emission limitation for unit i , in pound per MMBtu, as specified in the averaging plan;

R_{ii} = applicable emission limitation for unit i , in pound per MMBtu, as specified in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code except that for early election units, which may be included in an averaging plan only on or after January 1, 2000, R_{ii} shall equal the most stringent applicable emission limitation under rule 3745-103-57 or 3745-103-59 of the Administrative Code;

HI_i = annual heat input for unit i , in MMBtu, as specified in the averaging plan;

n = number of units in the averaging plan.

(6) For units with an alternative emission limitation, R_{Li} shall equal the applicable emissions limitation under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, not the alternative emissions limitation.

(7) No unit may be included in more than one averaging plan.

(B) Submission requirements.

(1) The designated representative of a unit meeting the requirements of paragraphs (A)(1) and (A)(7) of this rule may submit an averaging plan (or a revision to an approved averaging plan) to the director and any other applicable permitting authority(ies) at any time up to and including January first (or July first, if the plan is restricted to only units located within Ohio EPA's jurisdiction) of the calendar year for which the averaging plan is to become effective.

(2) The designated representative shall submit a copy of the same averaging plan (or the same revision to an approved averaging plan) to any other permitting authority with jurisdiction over a unit in the plan, and to USEPA.

- (3) When an averaging plan (or a revision to an approved averaging plan) is not approved, the owner or operator of each unit in the plan shall operate the unit in compliance with the emission limitation that would apply in the absence of the averaging plan (or revision to a plan).
- (C) Contents of NO_x averaging plan. A complete NO_x averaging plan shall include all of the following elements in a format prescribed by the director and the USEPA:
- (1) Identification of each unit in the plan.
 - (2) Each unit's applicable emission limitation as determined by rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code.
 - (3) The alternative contemporaneous annual emission limitation for each unit (in pound per MMBtu). If any of the units identified in the NO_x averaging plan utilize a common stack pursuant to 40 CFR 75.17(a)(2)(i)(b), the same alternative contemporaneous emission limitation shall be assigned to each such unit but different heat input limits may be assigned.
 - (4) The annual heat input limit for each unit (in MMBtu).
 - (5) The calculation for equation 1 in paragraph (A)(5) of this rule.
 - (6) The calendar years for which the plan will be in effect.
 - (7) The special provisions pursuant to paragraph (D)(1) of this rule.
- (D) Special provisions.
- (1) Emission limitations. Each affected unit in an approved averaging plan is in compliance with the acid rain emission limitation for NO_x under the plan only if one of the following requirements are met:
 - (a) For each unit, the unit's actual annual average emission rate for the calendar year, in pound per MMBtu, is less than or equal to its alternative contemporaneous annual emission limitation in the averaging plan and the following apply:
 - (i) For each unit with an alternative contemporaneous emission limitation less stringent than the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, the actual annual heat input for the calendar year does not exceed the annual heat input limit in the averaging plan.

- (ii) For each unit with an alternative contemporaneous annual emission limitation more stringent than the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, the actual annual heat input for the calendar year is not less than the annual heat input limit in the averaging plan.
- (b) If one or more of the units does not meet the requirements under paragraph (D)(1)(a)(i) of this rule, the designated representative shall demonstrate, in accordance with paragraph (D)(1)(b)(i) of this rule (equation 2) that the actual Btu-weighted annual average emission rate for the units in the plan is less than or equal to the Btu-weighted annual average rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations in rule 3745-103-57, 3745-103-58, or 3745-104-59 of the Administrative Code.
- (i) A group showing of compliance shall be made based on the following equation:

$$\frac{\sum_{i=1}^n (R_{ai} \times HI_{ai})}{\sum_{i=1}^n HI_{ai}} \leq \frac{\sum_{i=1}^n (R_{li} \times HI_{ai})}{\sum_{i=1}^n HI_{ai}} \quad \text{(Equation 2)}$$

where,

R_{ai} = actual annual average emission rate for unit i , in pound per MMBtu, as determined using the procedures in 40 CFR Part 75. For units in an averaging plan utilizing a common stack pursuant to 40 CFR 75.17(a)(2)(i)(B), use the same NO_x emission rate value for each unit utilizing the common stack, and calculate this value in accordance with appendix F of 40 CFR Part 75;

R_{li} = applicable annual emission limitation for unit i , in pound per MMBtu, as specified in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, except that for early election units, which may be included in an averaging plan only on or after January 1, 2000, R_{li} shall equal the most stringent applicable emission limitation under rule 3745-103-04 or 3745-103-06 of the Administrative Code;

HI_{ai} = actual annual heat input for unit i , in MMBtu, as determined using the procedures in 40 CFR Part 75;

n = number of units in the averaging plan.

- (ii) For units with an alternative emission limitation, R_{ij} shall equal the applicable emission limitation under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, not the alternative emission limitation.
- (c) If there is a successful group showing of compliance under paragraph (D)(1)(b)(i) of this rule for a calendar year, then all units in the averaging plan shall be deemed to be in compliance for that year with their alternative contemporaneous emission limitations and annual heat input limits under paragraph (D)(1)(a) of this rule.
- (2) **Liability.** The owners and operators of a unit governed by an approved averaging plan shall be liable for any violation of the plan or this rule at that unit or any other unit in the plan, including liability for fulfilling the obligations specified in 40 CFR Part 77 and sections 113 and 411 of the Clean Air Act.
 - (3) **Withdrawal or termination.** The designated representative may submit a notification to terminate an approved averaging plan in accordance with paragraph (C) of rule 3745-103-09 of the Administrative Code, no later than October first of the calendar year for which the plan is to be withdrawn or terminated.

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Monitoring, recordkeeping, and reporting.

[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) A petition for an alternative emission limitation demonstration period under paragraph (D) of rule 3745-103-62 of the Administrative Code shall include all of the following information:

(1) In accordance with paragraph (D)(4) of rule 3745-103-62 of the Administrative Code, all of the following information:

(a) Documentation that the owner or operator solicited bids for a NO_x emission control system designed for application to the specific boiler and designed to achieve the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code on an annual average basis. This documentation shall include a copy of all bid specifications.

(b) A copy of the performance guarantee submitted by the vendor of the installed NO_x emission control system to the owner or operator showing that such system was designed to meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code on an annual average basis.

(c) Documentation describing the operational and combustion conditions that are the basis of the performance guarantee.

(d) Certification by the primary vendor of the NO_x emission control system that such equipment and associated auxiliary equipment was properly installed according to the modifications and procedures specified by the vendor.

(e) Certification by the designated representative that the owner or operator installed technology that meets the requirements of paragraph (A)(2) of rule 3745-103-62 of the Administrative Code.

(2) In accordance with paragraph (D)(9) of rule 3745-103-62 of the Administrative Code, all of the following information:

(a) The operating conditions of the NO_x emission control system including load range, oxygen range, coal volatile matter range, and, for tangentially fired

boilers, distribution of combustion air within the NO_x emission control system.

- (b) Certification by the designated representative that the owner or operator have achieved and are following the operating conditions, boiler modifications, and upgrades that formed the basis for the system design and performance guarantee.
- (c) Any planned equipment modifications and upgrades for the purpose of achieving the maximum NO_x reduction performance of the NO_x emission control system that were not included in the design specifications and performance guarantee, but that were achieved prior to submission of this application and are being followed.
- (d) A list of any modifications or replacements of equipment that shall be done prior to the completion of the demonstration period for the purpose of reducing emissions of NO_x.
- (e) The parametric testing that shall be conducted to determine the reason or reasons if the unit fails to achieve the applicable emission limitation and to verify the proper operation of the installed NO_x emission control system during the demonstration period. The tests shall include tests in rule 3745-103-66 of the Administrative Code, which may be modified as follows:
 - (i) The owner or operator of the unit may add tests to those listed in rule 3745-103-66 of the Administrative Code, if such additions provide data relevant to the failure of the installed NO_x emission control system to meet the applicable emissions limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code; or
 - (ii) The owner or operator of the unit may remove tests listed in rule 3745-103-66 of the Administrative Code that are shown, to the satisfaction of the director, not to be relevant to NO_x emissions from the affected unit; and
 - (iii) In the event the performance guarantee or the NO_x emission control system specifications require additional tests not listed in rule 3745-103-66 of the Administrative Code, or specify operating conditions not verified by tests listed in rule 3745-103-66 of the Administrative Code, the owner or operator of the unit shall include such additional tests.

- (3) In accordance with paragraph (D)(10) of rule 3745-103-62 of the Administrative Code, all of the following information for the operating period:
- (a) The average NO_x emission rate (in pound per MMBtu) of the specific unit.
 - (b) The highest hourly NO_x emission rate (in pound per MMBtu) of the specific unit.
 - (c) Hourly NO_x emission rate (in pound per MMBtu), calculated in accordance with 40 CFR Part 75.
 - (d) Total heat input (in MMBtu) for the unit for each hour of operation, calculated in accordance with the requirements of 40 CFR Part 75.
 - (e) Total integrated hourly unit load (in MWe-hrs), on a gross basis.
- (B) A petition for an alternative emission limitation shall include all of the following information in accordance with paragraph (E)(6) of rule 3745-103-62 of the Administrative Code.
- (1) Total heat input (in MMBtu) for the unit for each hour of operation, calculated in accordance with the requirements of 40 CFR Part 75.
 - (2) Hourly NO_x emission rate (in pound per MMBtu), calculated in accordance with the requirements of 40 CFR Part 75.
 - (3) Total integrated hourly unit load (in MWe-hrs), on a gross basis.

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- (A) The owner or operator may use the following tests as a basis for the report required by paragraph (E)(7) of rule 3745-103-62 of the Administrative Code:
- (1) An ultimate analysis of coal using ASTM D3176, "Standard Practice for Ultimate Analysis of Coal and Coke."
 - (2) A proximate analysis of coal using ASTM D3172, "Standard Practice for Proximate Analysis of Coal and Coke."
 - (3) Measure the coal mass flow rate to each individual burner using ASME performance test code 4.2, "Test Code for Coal Pulverizers" or ISO 9931, "Coal - Sampling of Pulverized Coal Conveyed by Gases in Direct Fired Coal Systems."
- (B) The owner or operator may measure and record the actual NO_x emission rate in accordance with the requirements of this part while varying the following parameters where possible to determine their effects on the emissions of NO_x from the affected boiler:
- (1) Excess air levels.
 - (2) Settings of burners or coal and air nozzles, including tilt and yaw, or swirl.
 - (3) For tangentially fired boilers, distribution of combustion air within the NO_x emission control system.
 - (4) Coal mass flow rates to each individual burner.
 - (5) Coal-to-primary air ratio (based on pound per hour) for each burner, the average coal-to-primary air ratio for all burners, and the deviations of individual burners' coal-to-primary air ratios from the average value.
 - (6) If the boiler uses varying types of coal, the type of coal. Provide the results of proximate and ultimate analyses of each type of as-fired coal.
- (C) In performing the tests specified in paragraph (A) of this rule, the owner or operator shall begin the tests using the equipment settings for which the NO_x emission control system was designed to meet the NO_x emission rate guaranteed by the primary

NO_x emission control system vendor. These results constitute the baseline controlled condition.

- (D) After establishing the baseline controlled condition under paragraph (C) of this rule, the owner or operator may:
- (1) Change excess air levels plus or minus five per cent from the baseline controlled condition to determine the effects on emissions of NO_x, by providing a minimum of three readings (e.g., with a baseline reading of twenty per cent excess air, excess air levels may be changed to nineteen per cent and twenty-one per cent).
 - (2) For tangentially fired boilers, change the distribution of combustion air within the NO_x emission control system to determine the effects on NO_x emissions by providing a minimum of three readings, one with the minimum, one with the baseline, and one with the maximum amounts of staged combustion air.
 - (3) Show that the combustion process within the boiler is optimized (e.g., that the burners are balanced).

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[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 designated representative of an affected unit that is not an early election unit pursuant to rule 3745-103-60 of the Administrative Code and cannot meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code using, for group one boilers, either low NO_x burner technology or an alternative technology in accordance with paragraph (E)(11) of this rule, or, for tangentially fired boilers, separated overfire air, or, for group two boilers, the technology on which the applicable emission limitation is based may petition the permitting authority for an alternative emission limitation less stringent than the applicable emission limitation.
- (2) In order for the unit to qualify for an alternative emission limitation, the designated representative shall demonstrate that the affected unit cannot meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code based on a showing, to the satisfaction of the director and the USEPA that of the following applies:
 - (a) For a tangentially fired boiler, the owner or operator has either properly installed low NO_x burner technology or properly installed separated overfire air.
 - (b) For a dry bottom wall-fired boiler (other than a unit applying cell burner technology), the owner or operator has properly installed low NO_x burner technology.
 - (c) For a group one boiler, the owner or operator has properly installed an alternative technology (including but not limited to reburning, selective noncatalytic reduction, or selective catalytic reduction) that achieves NO_x emission reductions demonstrated in accordance with paragraph (E)(11) of this rule.
 - (d) For a group two boiler, the owner or operator has properly installed the appropriate NO_x emission control technology on which the applicable emission limitation in rule 3745-103-58 of the Administrative Code is based and the system meets all of the following:

- (i) The installed NO_x emission control system has been designed to meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code.
 - (ii) For a demonstration period of at least fifteen months or other period of time, as provided in paragraph (F)(1) of this rule, the system meets all of the following:
 - (a) The NO_x emission control system has been properly installed and properly operated according to specifications and procedures designed to minimize the emissions of NO_x to the atmosphere.
 - (b) Unit operating data as specified in this rule show that the unit and NO_x emission control system were operated in accordance with the bid and design specifications on which the design of the NO_x emission control system was based.
 - (c) Unit operating data as specified in this rule, continuous emission monitoring data obtained pursuant to 40 CFR Part 75, and the test data specific to the NO_x emission control system show that the unit could not meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code.
- (B) Petitioning process. The petitioning process for an alternative emission limitation shall consist of all of the following steps:
- (1) Operation during a period of at least three months, following the installation of the NO_x emission control system, that shows that the specific unit and the NO_x emission control system was unable to meet the applicable emissions limitation under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code and was operated in accordance with the operating conditions upon which the design of the NO_x emission control system was based and with vendor specifications and procedures.
 - (2) Submission of a petition for an alternative emission limitation demonstration period as specified in paragraph (D) of this rule.
 - (3) Operation during a demonstration period of at least fifteen months, or other period of time as provided in paragraph (F)(1) of this rule, that demonstrates the inability of the specific unit to meet the applicable emissions limitation

under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code and the minimum NO_x emissions rate that the specific unit can achieve during long-term load dispatch operation.

- (4) Submission of a petition for a final alternative emission limitation as specified in paragraph (E) of this rule.

(C) Deadlines.

- (1) Petition for an alternative emission limitation demonstration period. The designated representative of the unit shall submit a petition for an alternative emission limitation demonstration period to the director after the unit has been operated for at least three months after installation of the NO_x emission control system required under paragraph (A)(2) of this rule and by the deadline of one hundred twenty days after January first of the first calendar year for which the demonstration period is sought to apply, or one hundred twenty days after startup of the NO_x emission control system if the unit is not operating at the beginning of that calendar year.
- (2) Petition for a final alternative emission limitation. Not later than ninety days after the end of an approved alternative emission limitation demonstration period for the unit, the designated representative of the unit may submit a petition for an alternative emission limitation to the director.
- (3) Renewal of an alternative emission limitation. In order to request continuation of an alternative emission limitation, the designated representative shall submit a petition to renew the alternative emission limitation on the date that the application for renewal of the sources acid rain permit containing the alternative emission limitation is due.

(D) Contents of petition for an alternative emission limitation demonstration period. The designated representative of an affected unit that has met the minimum criteria under paragraph (A) of this rule and that has been operated for a period of at least three months following the installation of the NO_x emission control system may submit to the director a petition for an alternative emission limitation demonstration period. In the petition, the designated representative shall provide all of the following information in a format prescribed by the director and the USEPA:

- (1) Identification of the unit.
- (2) The type of NO_x control technology installed (e.g., low NO_x burner technology, selective noncatalytic reduction, selective catalytic reduction, reburning).

- (3) If an alternative technology is installed, the time period (not less than six consecutive months) prior to installation of the technology to be used for the demonstration in accordance with paragraph (E)(11) of this rule.
- (4) Documentation as set forth in paragraph (A)(1) of rule 3745-103-65 of the Administrative Code showing that the installed NO_x emission control system has been designed to meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code and that the system has been properly installed according to procedures and specifications designed to minimize the emissions of NO_x to the atmosphere.
- (5) The date the unit commenced operation following the installation of the NO_x emission control system or the date the specific unit became subject to the emission limitations of rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, whichever is later.
- (6) The dates of the operating period (which shall be at least three months long).
- (7) Certification by the designated representative that the owner or operator operated the unit and the NO_x emission control system during the operating period in accordance with: specifications and procedures designed to achieve the maximum NO_x reduction possible with the installed NO_x emission control system or the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code; the operating conditions upon which the design of the NO_x emission control system was based; and vendor specifications and procedures.
- (8) A brief statement describing the reason why the unit cannot achieve the applicable emission limitation of rule 3745-103-56, 3745-103-57, or 3745-103-58 of the Administrative Code.
- (9) A demonstration period plan, as set forth in paragraph (A)(2) of rule 3745-103-65 of the Administrative Code.
- (10) Unit operating data and quality-assured continuous emission monitoring data (including the specific data items listed in paragraph (A)(3) of rule 3745-103-65 of the Administrative Code collected in accordance with 40 CFR Part 75 during the operating period) and demonstrating the inability of the specific unit to meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code on an annual average basis while operating as certified under paragraph (D)(7) of this rule.

- (11) An interim alternative emission limitation, in pound per MMBtu, that the unit can achieve during a demonstration period of at least fifteen months. The interim alternative emission limitation shall be derived from the data specified in paragraph (D)(10) of this rule using methods and procedures satisfactory to USEPA.
 - (12) The proposed dates of the demonstration period (which shall be at least fifteen months long).
 - (13) A report that outlines the testing and procedures to be used during the demonstration period in order to determine the maximum NO_x emission reduction obtainable with the installed system. The report shall include the reasons for the NO_x emission control system's failure to meet the applicable emission limitation^x, and the tests and procedures that will be followed to optimize the NO_x emission control system's performance. Such tests and procedures may^x include those identified in rule 3745-103-66 of the Administrative Code as appropriate.
 - (14) The special provisions at paragraph (G)(1) of this rule.
- (E) Contents of petition for a final alternative emission limitation. After the approved demonstration period, the designated representative of the unit may petition the director and the USEPA for an alternative emission limitation. The petition shall include all of the following elements in a format prescribed by the director and the USEPA:
- (1) Identification of the unit.
 - (2) Certification that the owner or operator operated the affected unit and the NO_x emission control system during the demonstration period in accordance with: specifications and procedures designed to achieve the maximum NO_x reduction possible with the installed NO_x emission control system or the applicable emissions limitation in rule^x 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code; the operating conditions (including load dispatch conditions) upon which the design of the NO_x emission control system was based; and vendor specifications and procedures.
 - (3) Certification that the owner or operator have installed in the affected unit all NO_x emission control systems, made any operational modifications, and completed any planned upgrades and/or maintenance to equipment specified in the approved demonstration period plan for optimizing NO_x emission reduction performance, consistent with the demonstration period plan and the

proper operation of the installed NO_x emission control system. Such certification shall explain any differences between the installed NO_x emission control system and the equipment configuration described in the approved demonstration period plan.

- (4) A clear description of each step taken or modification made during the demonstration period to improve or optimize the performance of the installed NO_x emission control system.
- (5) Engineering design calculations and drawings that show the technical specifications for installation of any additional operational or emission control modifications installed during the demonstration period.
- (6) Unit operating and quality-assured continuous emission monitoring data (including the specific data listed in paragraph (B) of rule 3745-103-65 of the Administrative Code) collected in accordance with 40 CFR Part 75 during the demonstration period and demonstrating the inability of the specific unit to meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code on an annual average basis while operating in accordance with the certification under paragraph (E)(2) of this rule.
- (7) A report (based on the parametric test requirements set forth in the approved demonstration period plan as identified in paragraph (D)(13) of this rule) that demonstrates the unit was operated in accordance with the operating conditions upon which the design of the NO_x emission control system was based and describes the reason for the failure of the installed NO_x emission control system to meet the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code on an annual average basis.
- (8) The minimum NO_x emission rate, in pound per MMBtu, that the affected unit can achieve on an annual average basis with the installed NO_x emission control system. This value, which shall be the requested alternative emission limitation, shall be derived from the data specified in this rule using methods and procedures satisfactory to USEPA and shall be the lowest annual emission rate the unit can achieve with the installed NO_x emission control system.
- (9) All supporting data and calculations documenting the determination of the requested alternative emission limitation and its conformance with the methods and procedures satisfactory to the director and the USEPA.

- (10) The special provisions in paragraph (G)(2) of this rule.
- (11) In addition to the other requirements of this rule, the owner or operator of an affected unit with a group one boiler that has installed an alternative technology in addition to or in lieu of low NO_x burner technology and cannot meet the applicable emission limitation in rule 3745-103-57 of the Administrative Code shall demonstrate, to the satisfaction of the director and the USEPA, that the actual percentage reduction in NO_x emissions (pound per MMBtu), on an annual average basis is greater than sixty-five per cent of the average annual NO_x emissions prior to the installation of the NO_x emission control system. The percentage reduction in NO_x emissions shall be determined using continuous emissions monitoring data for NO_x taken during the time period (under paragraph (D)(3) of this rule) prior to the installation of the NO_x emission control system and during long-term load dispatch operation of the specific boiler.

(F) Ohio EPAs action.

- (1) Alternative emission limitation demonstration period.
- (a) The director may approve an alternative emission limitation demonstration period and demonstration period plan, provided that the requirements of this rule are met to the satisfaction of the director. The director may disapprove a demonstration period if the requirements of paragraph (A) of this rule were not met during the operating period.
- (b) The demonstration period as approved by the director shall include, as part of the demonstration period, the four month period prior to submission of the alternative emission limitation application in the demonstration period.
- (c) The alternative emission limitation demonstration period shall authorize the affected unit to emit at a rate not greater than the interim alternative emission limitation during the demonstration period on or after the applicable date established in rule 3745-103-58 or 3745-103-59 of the Administrative Code and until the date that the director and the USEPA approve or deny a final alternative emission limitation.
- (d) If the designated representative petitions for an extension of an approved alternative emission limitation demonstration period in accordance with paragraph (G)(1)(b) of this rule, the director may extend the demonstration period by administrative amendment to the acid rain

permit under rule 3745-103-18 of the Administrative Code.

- (e) The director shall deny the demonstration period if the designated representative cannot demonstrate that the unit met the requirements of paragraph (A)(2) of this rule. In such cases, the director shall require that the owner or operator operate the unit in compliance with the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code for the period preceding the submission of the application for an alternative emission limitation demonstration period, including the operating period, if such periods are after the date on which the unit is subject to the standard limit under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code.

(2) Alternative emission limitation.

- (a) If the director and the USEPA determine that the requirements in this rule are met, the director and the USEPA shall approve an alternative emission limitation and the director shall issue or revise an acid rain permit to apply the approved limitation, in accordance with rule 3745-103-13 of the Administrative Code. The permit shall authorize the unit to emit at a rate not greater than the approved alternative emission limitation, beginning on the effective date the director revises the applicable acid rain permit to approve the alternative emission limitation.
- (b) If Ohio EPA or the USEPA disapproves an alternative emission limitation under paragraph (A)(2) of this rule, the owner or operator shall operate the affected unit in compliance with the applicable emission limitation in rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code (unless the unit is participating in an approved averaging plan under rule 3745-103-63 of the Administrative Code) beginning on the date the director revises an acid rain permit to disapprove an alternative emission limitation.

(3) Alternative emission limitation renewal.

- (a) If, upon review of a petition to renew an approved alternative emission limitation, the director determines that no changes have been made to the control technology, the source's operation, the operating conditions on which the alternative emission limitation was based, or the actual NO_x emission rate, the alternative emission limitation shall be renewed.

- (b) If the director determines that changes have been made to either the control technology, the source's operation, the fuel quality, or the operating conditions on which the alternative emission limitation was based, the designated representative shall submit, in order to renew the alternative emission limitation or to obtain a new alternative emission limitation, a petition for an alternative emission limitation demonstration period that meets the requirements of paragraph (D) of this rule using a new demonstration period, and the director shall approve or deny the petition in accordance with paragraph (F) of this rule.

(G) Special provisions.

(1) Alternative emission limitation demonstration period.

(a) Emission limitations.

- (i) Each unit with an approved alternative emission limitation demonstration period shall comply with the interim emission limitation specified in the unit's permit beginning on the effective date of the demonstration period specified in the permit and, if a timely petition for a final alternative emission limitation is submitted, extending until the date on which the director issues or revises an acid rain permit to approve or disapprove an alternative emission limitation. If a timely petition is not submitted, then the unit shall comply with the standard emission limit under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code beginning on the date the petition was required to be submitted under paragraph (C)(2) of this rule.
- (ii) During the demonstration period, when the owner or operator identifies, boiler operating or NO_x emission control system modifications or upgrades that would produce further NO_x emission reductions, enabling the affected unit to comply with or bring its emission rate closer to the applicable emissions limitation under rule 3745-103-57, 3745-103-58, or 3745-103-59 of the Administrative Code, the designated representative may submit a request and the director may grant, an extension of the demonstration period for such period of time (not to exceed twelve months) as may be necessary to implement such modifications or upgrades, by administrative amendment under rule 3745-103-18 of the Administrative Code.

- (iii) If the approved interim alternative emission limitation applies to a unit for part, but not all, of a calendar year, the unit shall determine compliance for the calendar year in accordance with the procedures in 40 CFR 76.13(a).

(b) Operating requirements.

- (i) A unit with an approved alternative emission limitation demonstration period shall be operated under load dispatch conditions consistent with the operating conditions upon which the design of the NO_x emission control system and performance guarantee were based^x, and in accordance with the demonstration period plan.
- (ii) A unit with an approved alternative emission limitation demonstration period shall install all NO_x emission control systems, make any operational modifications^x, and complete any upgrades and maintenance to equipment specified in the approved demonstration period plan for optimizing NO_x emission reduction performance.
- (iii) When the owner or operator identifies boiler or NO_x emission control system operating modifications that would produce higher NO_x emission reductions, enabling the affected unit to comply with^x, or bring its emission rate closer to, the applicable emission limitation under rule 3745-103-57, 3745-103-58 or 3745-103-59 of the Administrative Code, the designated representative shall submit an administrative amendment under rule 3745-103-18 of the Administrative Code to revise the unit's acid rain permit and demonstration period plan to include such modifications.

- (c) Testing requirements. A unit with an approved alternative emission limitation demonstration period shall monitor in accordance with 40 CFR Part 75 and shall conduct all tests required under the approved demonstration period plan.

(2) Final alternative emission limitation.

(a) Emission limitations.

- (i) Each unit with an approved alternative emission limitation shall comply with the alternative emission limitation specified in the

unit's permit beginning on the date specified in the permit as issued or revised by the director to apply the final alternative emission limitation.

- (ii) If the approved interim or final alternative emission limitation applies to a unit for part, but not all, of a calendar year, the unit shall determine compliance for the calendar year in accordance with the procedures in 40 CFR 76.13(a).

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CERTIFIED ELECTRONICALLY

Certification

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