

3745-15-01 Definitions.

[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 (BB) of this rule titled "referenced materials."]

As used in all air pollution rules, except as may be otherwise specifically provided.

- (A) "Act" means Chapters 3704. and 3745. of the Revised Code.
- (B) "Air pollutant" or "air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, vapor or odorous substances, or any combination thereof.
- (C) "Air pollution" means the presence in the ambient air of one or more air pollutants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or which interferes with the comfortable enjoyment of life or property.
- (D) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts which surrounds human, plant, or animal life, or property.
- (E) "Ambient air quality standards" means ambient air quality goals expressed numerically and intended to be attained and maintained in a stated time through the application of appropriate preventive or control measures.
- (F) "ASME" means the "American Society of Mechanical Engineers."
- (G) "ASTM" means the "American Society for Testing and Materials."
- (H) "Area" means the state of Ohio.
- (I) "Clean Air Act" or "CAA" means the federal Clean Air Act.
- (J) "Control equipment" means any device or contrivance which prevents or reduces emissions.
- (K) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or has entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.
- (L) "Director" means the director of the Ohio environmental protection agency.
- (M) "Emission" means the act of releasing or discharging an air pollutant into the ambient air from any source.
- (N) "Existing source" means any source the construction of which was commenced prior to February 15, 1972.
- (O) "Facility" means any building, structure, installation, operation, or combination thereof which contains one or more stationary source of air contaminants.

- (P) "Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, electronic software or hardware, or a process to operate in manner representative of normal source operation which is likely to cause, or has likely caused, emissions reasonably estimated to be in excess of the amount allowed by an applicable emissions limitation, standard, or permit term in the absence of a malfunction. Malfunctions include, but are not limited to, failures caused by power outages, sabotage, or acts of God. Failures that are attributable to poor maintenance or careless operation are not malfunctions. In accordance with paragraph (A)(1) of rule 3745-15-06 of the Administrative Code, maintenance of air pollution control equipment which is scheduled to prevent a malfunction which would occur within two weeks if the maintenance were not performed is considered to be a malfunction.
- (Q) "Modification" means any physical change in, or change in the method of operation of, an existing source or a new source that increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted from the same location.
- (R) "NAAQS" means national ambient air quality standard.
- (S) "New source" means any source the construction or modification of which is commenced on or after February 15, 1972.
- (T) "Non-methane hydrocarbon" means any chemical compound containing carbon but excluding: carbon monoxide, carbon dioxide, carbides, metallic carbonates, ammonium carbonate, and methane.
- (U) "Ohio EPA" or "OEPA," means the Ohio environmental protection agency or the director as the context or other law or rules may require.
- (V) "Owner or operator" means any person who owns, leases, controls, operates or supervises a facility or air pollution control equipment.
- (W) "Person" means the state or any agency thereof, any political subdivision, or any agency thereof, public or private corporation, individual, partnership, or other entity.
- (X) "PSD" means prevention of significant deterioration.
- (Y) "Region" means an air quality control region as designated by the secretary of health, education and welfare, or by the administrator, United States environmental protection agency, or by the director.
- (Z) "Source" means any building, structure, facility, operation, installation, other physical facility, or real or personal property that emits or may emit any air pollutant.
- (AA) "Source operation" means the last operation preceding emission which operation meets both of the following:
- (1) Results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of

combustion fuel.

(2) Is not an air pollution abatement operation.

(BB) "Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

(CC) "Standard conditions" means a dry gas temperature of seventy degrees Fahrenheit (21.1 degrees centigrade) and a gas pressure of 14.7 pounds per square inch absolute (seven hundred sixty millimeters mercury).

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

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

(a) American society of mechanical engineers (ASME). Information and copies of ASTM documents may be obtained by writing to: "ASME International, P.O. Box 2300, Fairfield, NJ 07007-2300." ASME documents are also available for purchase at www.asme.org. ASME documents are also available for inspection and use at most public libraries and "The State Library of Ohio."

(b) American society for testing materials (ASTM). Information and copies of ASTM documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." ASTM documents are also available for purchase at www.astm.org. ASTM documents are also available for inspection and use at most public libraries and "The State Library of Ohio."

(c) Code of Federal Regulations (CFR). 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 <https://www.ecfr.gov/>. The CFR compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(d) United States Code (USC). 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 <http://www.gpo.gov/fdsys/>. The U.S.C compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

- (a) 40 CFR Part 302; "Designation, reportable quantities, and notification;" as published in the July 1, 2021 Code of Federal Regulations.
- (b) 40 CFR Part 355; "Emergency Planning and Notification;" as published in the July 1, 2021 Code of Federal Regulations.
- (c) 42 USC 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control;" as published in the 2018 edition of the United States Code.
- (d) Section 112(b) of the Clean Air Act; contained in 42 USC 7412; "Hazardous air pollutants- List of pollutants;" as published in the 2018 edition of the United States Code.

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Purpose.

It is the purpose of all air pollution rules adopted under Chapter 3704. or Chapter 3745. of the Revised Code or any rule adopted thereunder to set forth such requirements as shall be necessary to secure and maintain those levels of air quality which are consistent with the protection of health and the prevention of injury to plant, animal life, and property in the state of Ohio, and to provide for the comfortable enjoyment of the natural attractions of the state to the greatest extent practical. All regulations of the director shall be construed in such manner as to effectuate this purpose.

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3745-15-03 Submission of emission information.

(A) The director may require the keeping and periodic submission of records and reports, including but not limited to, information on air contaminants, emissions or fuel from any or all potential sources for purposes of maintaining an air pollution emission inventory or any other reasonable purpose as determined by the director. Such information shall be recorded, compiled, and submitted in a manner and form prescribed by the director.

(B) Periodic reporting.

(1) Requirements under paragraph (C) of this rule shall be applicable to an owner or operator of a facility, issued one of the following:

(a) A permit-to-install pursuant to Chapter 3745-31 of the Administrative Code.

(b) A federally enforceable permit-to-install and operate (FEPTIO) pursuant to Chapter 3745-31 of the Administrative Code; however, this requirement shall only be applicable to the terms and conditions specifically identified in the FEPTIO as subject to reporting under paragraph (C) of this rule.

(c) A permit-to-install and operate (PTIO) pursuant to Chapter 3745-31 of the Administrative Code for a source for which a Title V permit is subsequently issued pursuant to Chapter 3745-77 of the Administrative Code.

(2) Requirements under paragraph (D) of this rule shall be applicable to an owner or operator of a facility issued a permit-to-install and operate (PTIO) or a federally enforceable permit-to-install and operate (FEPTIO), pursuant to Chapter 3745-31 of the Administrative Code for a source not subject to Chapter 3745-77 of the Administrative Code.

(C) Quarterly report.

(1) Pursuant to paragraph (A) of this rule, each permit described under paragraph (B)(1) of this rule shall require the owner or operator submit a quarterly report of the following:

(a) Any deviations from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in such permit including the following:

(i) The probable cause of such deviations.

(ii) Any corrective actions or preventive measures which have been or will be taken to remedy the deviations.

(b) If no deviations occurred during a calendar quarter, the owner or operator shall submit a quarterly report, which states that no deviations occurred during that quarter.

- (2) For the purposes of this rule, quarterly means January to March, April to June, July to September, and October to December. Each report shall be submitted by the thirty-first of January, thirtieth of April, thirty-first of July, and thirty-first of October of each year, or any other variation of a continuous quarterly period the director approves, and cover the previous calendar quarter.

[Comment: "Submitted" as used above will be considered the postmark date, if sent by United States postal service; the electronic signature date, if submitted through the Ohio environmental protection agency's electronic reporting system; or the signature date of the receipt, if hand delivered in person or by third-party commercial carrier to the appropriate Ohio environmental protection agency district office or local air agency.]

- (3) Unless required by Chapter 3745-77 of the Administrative Code, quarterly reports may exclude the requirements of paragraph (C)(1) of this rule for reported deviations resulting from malfunctions reported in accordance with rule 3745-15-06 of the Administrative Code. In lieu of the requirements of paragraph (C)(1) of this rule, the owner or operator shall identify in the quarterly report the date the malfunction occurred and the form in which it was reported (e.g., telephone, e-mail, writing).
- (4) Reports submitted in accordance with Chapter 3745-77 of the Administrative Code for sources subject to Chapter 3745-77 of the Administrative Code, shall be deemed to meet the requirements for quarterly reporting under this rule if the requirements contained in paragraph (C) of this rule are satisfied in the reporting required under Chapter 3745-77 of the Administrative Code. The owner or operator shall identify in any report submitted under Chapter 3745-77 of the Administrative Code when such report is being submitted in accordance with this paragraph.

(D) Permit evaluation report.

- (1) Pursuant to paragraph (A) of this rule, each permit described under paragraph (B)(2) of this rule shall require the owner or operator to submit a permit evaluation report, in a form and manner prescribed by the director, which identifies, at a minimum, the following:
- (a) A list of all air contaminant sources that have been issued a permit described under paragraph (B)(2) of this rule.
 - (b) Additional information or corrections to air contaminant sources identified in the permit evaluation report.
 - (c) Any deviations from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in such permit including the following:
 - (i) The probable cause of such deviations.

(ii) Any corrective actions or preventive measures which have been or will be taken to remedy the deviations.

(d) If no deviations occurred during the reporting period, the owner or operator shall identify in the permit evaluation report that no deviations occurred during that reporting period.

(2) Reporting period.

(a) At a minimum, the permit evaluation report shall be submitted annually and cover a reporting period of no more than twelve-months for each air contaminant source. The first permit, described under paragraph (B)(2) of this rule, issued to an owner or operator shall identify the reporting period for the covered air contaminant source. This reporting period shall be applied to all subsequent air contaminant sources issued permits described under paragraph (B)(2) of this rule. The four possible reporting periods, and subsequent permit evaluation report due dates are as follows:

(i) January first to December thirty-first, report due by February fifteenth.

(ii) April first to March thirty-first, report due by May fifteenth.

(iii) July first to June thirtieth, report due by August fifteenth.

(iv) October first to September thirtieth, report due by November fifteenth.

(b) The permit evaluation report shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency by the due date specified.

[Comment: "Submitted" as used above will be considered the postmark date, if sent by United States postal service; the electronic signature date, if submitted through the Ohio environmental protection agency's electronic reporting system; or the signature date of the receipt, if hand delivered in person or by third-party commercial carrier to the appropriate Ohio environmental protection agency district office or local air agency.]

(c) The Ohio environmental protection agency shall provide opportunity for an owner or operator to request a change in the permit evaluation reporting period and due date through procedures established by the director.

(3) Unless required by Chapter 3745-77 of the Administrative Code, permit evaluation reports may exclude the requirements of paragraph (D)(1)(c) of this rule for reported deviations resulting from malfunctions reported in accordance with rule 3745-15-06 of the Administrative Code. In lieu of the requirements of paragraph (D)(1)(c) of this rule, the owner or operator shall identify in the permit evaluation report the date the malfunction occurred and the form in which it was reported (e.g., telephone, e-mail, writing).

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Measurement of emissions of air contaminants.

- (A) The director may require any persons responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source whenever the director has reason to believe that an emission in excess of that allowed by these rules is occurring or has occurred from time to time. All tests shall be conducted by qualified persons and the results calculated in accordance with test procedures approved by the director. The owner or the owner's authorized agent shall notify the director in writing of the time, place, and person who will conduct the tests and the director or the director's authorized representative shall be permitted to witness the tests. The director shall be furnished with a written report of test results no later than thirty days after completion of the tests and such report shall be signed by the person or persons responsible for the tests. The director may reject the results of any compliance test which is not performed in accordance with approved test procedures or which is performed without the advance notice and information required by this paragraph.
- (B) The director may conduct tests of emissions of air contaminants from any source. Upon request of the director the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- (C) The director may install, or require the owner or operator of any source of air contamination, at the owner or operator's expense, to install, use, and maintain monitoring equipment, and to sample the owner or operator's emissions in accordance with methods approved by the director.

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3745-15-05 "De Minimis" air contaminant source 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 (BB) of rule 3745-15-01 of the Administrative Code titled "referenced materials."]

(A) For purposes of this rule, the following definitions apply:

- (1) "Actual emissions" means the amount of emissions an air contaminant source actually emits on a calendar day or calendar year basis, whichever is applicable.
- (2) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not include water by itself.
- (3) "Air contaminant source" or "source" means each separate operation or activity that results or may result in the emission of any air contaminant.
- (4) "Air pollution control equipment" means control equipment which is not, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Equipment is vital if the source could not produce its normal product or operate without it.
- (5) "Hazardous air pollutant" means any pollutant listed pursuant to Section 112(b) of the CAA.
- (6) "Potential to emit" or "potential emissions" means the amount of emissions of an air contaminant, based on maximum rated capacity, which would be emitted from a source during a twenty-four hour calendar day or calendar year basis, whichever is applicable, if that source were operated without the use of air pollution control equipment unless such control equipment is, aside from air pollution control requirements, necessary for the facility to produce its normal product or is integral to the normal operation of the source.
- (7) "Similar sources" are the following:
 - (a) Sources for which construction and operation are essentially the same, although, the capacity of each source is not necessarily the same.
 - (b) Sources in which the physical or chemical process occurring in each source is essentially the same.
 - (c) Sources from which essentially the same air pollutants are emitted.

(B) Except as provided in paragraphs (C), (D) and (H) of this rule and division (B) of section 3704.011 of the Revised Code, any air contaminant source is exempt from Chapter 3704. of the Revised Code and rules adopted thereunder, unless the potential emissions of any one of the following exceeds ten pounds per day: particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead or any other air

contaminant.

(C) The exemption contained in paragraph (B) of this rule shall not apply to a source if any of the following applies:

- (1) A requirement established under the CAA or regulations adopted under it limits the emissions of an air pollutant from the source to less than ten pounds per day or restricts the operation of the source in a manner equivalent to an emission limit of less than ten pounds per day.
 - (2) The source is subject to an emission limit adopted by the director to achieve and maintain the national ambient air quality standards or a rule adopted by the director to protect public health and welfare limits the emissions from the source to less than ten pounds per day of an air pollutant or restricts the operation of the source in a manner equivalent to an emission limit of less than ten pounds per day.
 - (3) The source emits radionuclides.
 - (4) The source alone or in combination with similar sources at the same facility, would result in potential emissions of any air pollutant in excess of twenty-five tons per year. In determining the total emissions from a group of similar sources, an enforceable permit emission limit shall be used in lieu of the potential to emit for such source or sources.
 - (5) The source emits more than one ton per year of any hazardous air pollutants or combination of hazardous air pollutants.
- (D) The exemption provided in division (A) of section 3704.011 of the Revised Code does not apply to an air contaminant source having potential emissions greater than ten pounds per day (or one ton per year of one or more hazardous air pollutants) of any air contaminant unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions from the source did not exceed ten pounds per day (or one ton per year of one or more hazardous air pollutants) and unless that source is not subject to the limitations specified in paragraph (C) of this rule.
- (E) In order to verify that actual emissions from a source described in paragraph (D) of this rule complied with the requirements of divisions (A) and (C) of section 3704.011 of the Revised Code during its operations, the owner or operator of the source shall maintain records that show that emissions of any air contaminant from the source did not exceed ten pounds per day on each day the source emitted air contaminants, and that the source in any one year did not emit more than one ton of hazardous air pollutants, and that the emissions from the source, in combination with similar air contaminant sources at the same facility, did not result in potential emissions of any air contaminant from the facility in excess of twenty-five tons during the preceding calendar year. Records consisting of one or more of the following types of information, if applicable, shall be adequate to make that demonstration, so long as the information clearly demonstrates that the owner or operator is operating in accordance with this rule:

- (1) A narrative description of how the emissions from the source were determined and

maintained at or below the daily exemption level, and, for emissions of hazardous air pollutants, at or below the annual exemption level.

- (2) A description of the air pollution control equipment used on the source and a statement that the source is not capable of operating without that pollution control equipment functioning.
 - (3) If air pollution control equipment is used, a copy of any report of the results of any emission test that was conducted following Ohio EPA approved methods, if applicable, or any other emission evaluation.
 - (4) A description of all production constraints required for the source to comply with the exemption levels.
 - (5) Records of actual operations that demonstrate that the daily and annual emissions from the source were maintained at or below the exemption level by the use of the necessary production constraints or pollution control equipment.
 - (6) A list of all similar sources at the same facility and a statement for each such source of the annual potential emissions. Compliance with paragraph (C)(4) of this rule shall be demonstrated.
 - (7) A summation of the total emissions from each exempt or similar source, a summation of stated potential emissions from all sources identified in paragraph (E)(6) of this rule, and a written certification by the owner or operator that the applicable exemption levels were complied with.
- (F) Records developed under paragraph (E) of this rule shall be maintained by the owner of the source at a location at the facility for a period of two years following the recording of the information, and provided, upon request, to the director.
- (G) The owner or operator of such an exempt source not subject to paragraph (E) of this rule, upon the request of the director or the director's authorized representative concerning such source, shall provide information that is adequate to demonstrate that the source qualifies for the exemption.
- (H) Nothing in this rule shall be construed to exempt any source from requirements of the CAA, including its being considered for purposes of determining whether a facility constitutes a major source or is otherwise regulated under Chapter 3745-77 of the Administrative Code or any requirement to identify insignificant activities and emissions levels in a title V permit application. In addition, this rule does not exempt any source that is a part of a major new source or major modification that would be required to meet any requirements under applicable state or federal regulations.
- (I) If a source exempt under this rule should at any time exceed the exempt emission levels provided in paragraphs (B) and (D) of this rule, the owner or operator of such source shall immediately submit a written report describing the nature and cause of the exceedance. Upon request by the director, the owner or operator of such source shall submit an application for a permit to install if required by Chapter 3745-31 of the

Administrative Code and an application for a permit to operate pursuant to Chapter 3745-77 of the Administrative Code, as applicable.

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3745-15-06 Malfunction of equipment; scheduled maintenance; reporting.

- (A) Scheduled maintenance of air pollution control equipment shall be conducted according to the following:
- (1) For the purposes of this rule, maintenance of air pollution control equipment which is scheduled to prevent a malfunction which would occur within two weeks if the maintenance were not performed shall be considered to be a malfunction and subject to the provisions of paragraph (B) of this rule.
 - (2) Except as otherwise indicated in paragraphs (A)(3) and (A)(5) of this rule, scheduled maintenance of air pollution control equipment that requires shutting down or bypassing the equipment shall be accompanied by the shutdown of the associated sources.
 - (3) In cases where a complete source shutdown may result in damage to the source or is otherwise impossible, impractical, or unsafe, the owner or operator may request authorization to continue operating the source during the scheduled maintenance of air pollution control equipment. Any such request shall be made in a written report at least two weeks prior to the planned shutdown of the air pollution control equipment. The director shall authorize the continued operation of the source despite shutdown of the air pollution control equipment if, in the director's judgment, the situation justifies continued operation of the source. Any written request submitted pursuant to this paragraph shall contain the following:
 - (a) The identification, including the Ohio EPA facility identification number and permit application number, and location of the specific source for which air pollution control equipment will be taken out of service.
 - (b) The expected length of time that the air pollution control equipment will be taken out of service.
 - (c) The nature and estimated quantity of regulated air pollutants which are likely to occur from all affected air pollution sources at the facility during the scheduled maintenance, compared to the maximum authorized emissions of the same air pollutants from all affected air pollution sources at the facility during normal operation.
 - (d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the scheduled maintenance.
 - (e) The reason it will be impossible, impractical, or unsafe to shut down the source operation during the scheduled maintenance period.
 - (f) A description of the interim control measures that will be taken to reduce emissions from the source during the scheduled maintenance period.
 - (4) The director retains the responsibility to evaluate any notification, request, or report submitted pursuant to this rule. The director shall take appropriate action upon a

determination that the notification, request, or reporting requirements of this rule have not been satisfied, that the equipment was not properly operated and maintained prior to the scheduled maintenance, that shutdown of the source or operation during the period of scheduled maintenance was or has become practicable and safe, that the maintenance period was or has become avoidable, or was induced or prolonged in bad faith, or that the emissions attributable to the continued operation during the scheduled maintenance period endanger or are projected to endanger the health or safety of the public.

- (5) In cases where a complete source shutdown during the scheduled maintenance of air pollution control equipment may result in damage to the source or is otherwise impossible, impractical, or unsafe, the owner or operator shall comply with the following work practices:
 - (a) Take all practicable measures to minimize the duration of the scheduled maintenance.
 - (b) Take all feasible interim control measures to reduce emissions from the source during the scheduled maintenance.
 - (6) Within five business days of completing the scheduled maintenance of air pollution control equipment identified in paragraph (A)(3) of this rule, the owner or operator of the source shall notify the director that the scheduled maintenance has been completed and described any deviations from the initial notification.
 - (7) Deviations from any emissions limitation or term and condition of a permit shall be reported in accordance with Chapter 3745-77 of the Administrative Code or paragraph (D) of rule 3745-15-03 of the Administrative Code.
- (B) Malfunctions shall be reported as follows:
- (1) If a malfunction occurs, the person responsible for the equipment in question shall immediately notify the Ohio EPA district office or delegate agency of such malfunction via telephone or email. Giving notice is not an admission or proof of a violation of any specific emissions limitation, standard or permit term. If the malfunction continues for more than twenty-four hours, the source owner or operator shall provide a written statement to the director within one week of the date the malfunction occurred and include in both the immediate notification and written statement the following:
 - (a) The name of the owner or operator of the regulated entity experiencing the malfunction event and the Ohio EPA facility identification number.
 - (b) The identification and location of such equipment including the Ohio EPA emissions unit identification number for each air pollution source involved in the malfunction.
 - (c) A summary of the event which caused the malfunction to occur.

- (d) The estimated or actual duration of malfunction.
- (e) The nature and estimated quantity of regulated air contaminants which have been or may be emitted into the ambient air during the malfunction period.
- (f) Any adverse impacts to human health or the environment as a result of the malfunction that have been identified.
- (g) Statements demonstrating the following:
 - (i) Shutdown or reduction of source operation during the malfunction period will be or would have been impossible, impractical, or unsafe (if applicable)..
 - (ii) The estimated malfunction period will be or was reasonable in duration based on installation or repair time, delivery dates of equipment, replacement parts, or materials, or current unavailability of essential equipment, parts, materials, or personnel.
 - (iii) Available alternative operating procedures and interim control measures will be or have been implemented during the malfunction period to reduce adverse effects on public health or welfare.
 - (iv) All actions necessary and required by any applicable preventive maintenance and malfunction abatement plan will be or have been implemented.
- (2) The Ohio EPA district office or delegate agency shall be notified when the condition causing the malfunction has been corrected and the equipment is again in normal operation. Notification of the correction of the condition causing the malfunction may be given verbally if the duration of the malfunction is twenty-four hours or less or in writing if the duration exceeds twenty-four hours.
- (3) Within two months following a malfunction which exceeded twenty-four hours in duration, the owner or operator of such equipment shall prepare and submit a detailed report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future malfunctions of such equipment.
- (C) The director retains the responsibility to evaluate any notification, request, or report submitted pursuant to this rule. The director shall take appropriate action upon a determination that the notification, request, or reporting requirements of this rule have not been satisfied, that the equipment was not properly operated and maintained prior to scheduled maintenance or malfunction, that shutdown of the source or operation during the period of maintenance or malfunction was or has become practicable and safe, that the maintenance or malfunction was or has become avoidable, or was induced or prolonged in bad faith, or that the emissions attributable to the continued operation of the source during the scheduled maintenance or the malfunction endanger or tend to endanger the health or safety of the public.
- (D) If, in the judgment of the director, excessive or unduly prolonged malfunctions of any air pollution source, air pollution control equipment or related facility have occurred, the

director may require the owner or operator of said source, equipment or related facility to prepare, submit and implement a preventive maintenance and malfunction abatement plan which is acceptable to the director. Such plan shall be designed to prevent, detect and correct malfunctions or equipment failures which could result in emissions exceeding any applicable law.

- (1) Each preventive maintenance and malfunction abatement plan shall be in writing and specify the following:
 - (a) A comprehensive preventive maintenance program, including a description of the items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the types and quantities of the replacement parts which will be maintained in inventory for quick replacement.
 - (b) An identification of the source and the operating outlet variables of the air pollution control equipment that will be monitored in order to detect a malfunction or failure, the normal operating range of these variables, and a description of the monitoring or surveillance procedures and of the method of informing operating personnel of any malfunction, including alarm systems, lights or other indicators.
 - (c) A description of the corrective procedures that will be taken in the event of a malfunction or failure in order to achieve compliance with any applicable law as expeditiously as practicable.
- (2) Any acceptable preventive maintenance and malfunction abatement plan shall be specified in the terms and conditions of any permit or variance issued for a source covered by such plan.
- (3) Operation and maintenance records shall be maintained by the owner or operator of the source to demonstrate that any preventive maintenance and malfunction abatement plan is fully implemented. All such records shall be maintained for a minimum of two years and be subject to inspection by the director or his representative upon request.

Effective: 2/19/2023

Five Year Review (FYR) Dates: 11/29/2022 and 11/29/2027

CERTIFIED ELECTRONICALLY

Certification

02/09/2023

Date

Promulgated Under: 119.03

Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(F)

Prior Effective Dates: 02/15/1972, 01/25/1980, 07/20/2015

Air pollution nuisances prohibited.

- (A) The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.
- (B) The emission or escape into the open air from any source or sources of odors whatsoever that is subject to regulation under Chapter 3745-17, 3745-18, 3745-21, or 3745-31 of the Administrative Code and is operated in such a manner to emit such amounts of odor as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.

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Rule Amplifies: 3704.03(F)
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No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate Chapter 3704., 3714., 3734., 3745., 6109., or 6111. of the Revised Code or any rule adopted thereunder.

Five Year Review (FYR) Dates: 11/29/2022 and 11/29/2027

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Certification

11/29/2022

Date

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| Prior Effective Dates: | 02/15/1972, 01/25/1980, 01/22/2009, 07/20/2015 |

If any provision of Chapter 3704. or Chapter 3745. of the Revised Code or any rule adopted thereunder or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of such rules which can be given without the invalid provisions or application, and to this end the provisions of any rule adopted under Chapter 3704. or Chapter 3745. of the Revised Code and the various applications thereof are declared to be severable.

Five Year Review (FYR) Dates: 11/29/2022 and 11/29/2027

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