

3745-109-10 **Permits.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-109-01 of the Administrative Code titled "Incorporation by reference."]

(A) General CAIR trading program permit requirements.

- (1) For each CAIR SO₂ source required to have a Title V operating permit or required, under rule 3745-109-14 of the Administrative Code, to have a Title V operating permit or other federally enforceable permit, such permit shall include a CAIR permit administered by the director for the Title V operating permit or the federally enforceable permit as applicable. The CAIR portion of the Title V permit or other federally enforceable permit as applicable shall be administered in accordance with the director's Title V operating permits regulations promulgated under 40 CFR Parts 70 or 71 or the director's regulations for other federally enforceable permits as applicable, except as provided otherwise by paragraph (D) of rule 3745-109-01 of the Administrative Code, this rule and rule 3745-109-14 of the Administrative Code.
- (2) Each CAIR permit shall contain, with regard to the CAIR SO₂ source and the CAIR SO₂ units at the source covered by the CAIR permit, all applicable CAIR SO₂ trading program, CAIR NO_x annual trading program, and CAIR NO_x ozone season trading program requirements and shall be a complete and separable portion of the Title V operating permit or other federally enforceable permit under paragraph (A)(1) of this rule.

(B) Submission of CAIR permit applications.

- (1) Duty to apply. The CAIR designated representative of any CAIR SO₂ source required to have a Title V operating permit shall submit to the director a complete CAIR permit application under paragraph (C) of this rule for the source covering each CAIR SO₂ unit at the source at least eighteen months (or such lesser time provided by the director) before the later of January 1, 2010 or the date on which the CAIR SO₂ unit commences commercial operation, except as provided in paragraph (D)(1) of rule 3745-109-14 of the Administrative Code.
- (2) Duty to Reapply. For a CAIR SO₂ source required to have a Title V operating permit, the CAIR designated representative shall submit a complete CAIR permit application under paragraph (C) of this rule for the source covering each CAIR SO₂ unit at the source to renew the CAIR permit in accordance with the director's Title V operating permits regulations addressing permit renewal,

except as provided in paragraph (D)(2) of rule 3745-109-14 of the Administrative Code.

(C) Information requirements for CAIR permit applications.

A complete CAIR permit application shall include the following elements concerning the CAIR SO₂ source for which the application is submitted, in a format prescribed by the director:

- (1) Identification of the CAIR SO₂ source;
- (2) Identification of each CAIR SO₂ unit at the CAIR SO₂ source; and
- (3) The standard requirements under paragraph (E) of rule 3745-109-01 of the Administrative Code.

(D) CAIR permit contents and term.

- (1) Each CAIR permit shall contain, in a format prescribed by the director, all elements required for a complete CAIR permit application under paragraph (C) of this rule.
- (2) Each CAIR permit is deemed to incorporate automatically the definitions of terms under paragraph (B) of rule 3745-109-01 of the Administrative Code and, upon recordation by the administrator under rules 3745-109-11, 3745-109-12 or 3745-109-14 of the Administrative Code, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from the compliance account of the CAIR SO₂ source covered by the permit.
- (3) The term of the CAIR permit shall be set by the director, as necessary to facilitate coordination of the renewal of the CAIR permit with issuance, revision, or renewal of the CAIR SO₂ source's Title V operating permit or other federally enforceable permit as applicable.

(E) CAIR permit revisions.

Except as provided in paragraph (D)(2) of this rule, the director shall revise the CAIR permit, as necessary, in accordance with the director's Title V operating permits regulations or the director's regulations for other federally enforceable permits as applicable addressing permit revisions.

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Certification

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