



Air Permit Exemptions

When a business owner is trying to determine what Ohio EPA permitting and regulatory requirements apply to their operations, they frequently ask "Is every air emission source at my business required to have an air permit?" The answer to that question is no.

Some sources of air pollution are exempt from permits because the air emissions from these sources are low, or below "de minimis" amounts. Other sources are specifically listed as exempt sources in Ohio's air pollution control regulations.

Finally, some sources are eligible for coverage under a "permit-by-rule" (PBR) which means that you need to submit a simple notification form instead of a more complex permit application. This fact sheet summarizes the three main exemptions from Ohio EPA's air permitting requirements.

Exemption Categories

["De Minimis" air contaminant source exemption \[Ohio Administrative Code \(OAC\) rule 3745-15-05\]](#)

The de minimis exemption excludes a source of air pollution from requiring a permit if the source emits less than 10 pounds per day of particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead or any other air contaminant. The following are a few exceptions to this.

You cannot use the de minimis exemption if:

- A Clean Air Act (CAA) requirement or specific Ohio emission standard limits the emissions of an air pollutant (or restricts the operation of a source) to less than 10 pounds per day.
- The source emits radionuclides.
- The source alone or in combination with similar sources has potential emissions of any air pollutant in excess of 25 tons per year.
- The source emits more than one ton per year of any hazardous air pollutant or combination of hazardous air pollutants.

See OAC rule 3745-15-05 for the complete de minimis rule language and requirements.

A company claiming a de minimis exemption is not required to provide notification to Ohio EPA. However, the company must maintain records demonstrating that the source meets the exemption and actual emissions do not exceed de minimis thresholds, 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.

Ohio EPA's district office or local air agency (LAA) can review a company's de minimis calculations and put information in the Ohio EPA/LAA office file to help future/new inspectors understand the company's exemption status. OAC rule 3745-15-05(E) gives a list of the type of records a facility can keep.

[Permanent Exemptions \[OAC Rule 3745-31-03\(A\)\]](#)

OAC Rule 3745-31-03 includes types of exempt equipment and industrial activities.

These are called "permanent exemptions." The permanent exemptions do not apply to an emissions unit subject to certain national emission standards for hazardous air pollutants (NESHAPs) in 40 CFR Part 61, certain MACT standards, or emissions units subject to certain new source performance standards (NSPS). See OAC rule 3745-31-03 (A)(1) for further explanation.

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Commonly used exemptions are shown below:

- Boilers, heaters, furnaces and dryers rated less than 10 million Btu per hour that burn only natural gas, liquefied petroleum gas or distillate oil.
- Fossil fuel or wood-fired boilers and heaters rated less than one million Btu per hour.
- Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-borne adhesives, coatings or binders.
- Bench scale laboratory equipment, fume hoods and paint sample preparation booths.
- Resin injection molding equipment using less than one million pounds of resin annually.
- Storage tanks for inorganic liquids or pressurized gases.
- Storage tanks for organic liquids of less than 19,815 gallons capacity and equipped with submerging filling.
- Storage tanks for low vapor pressure organic liquids.
- Acid storage tanks of 7,500 gallons capacity or less.
- Solvent recycling units (stills) less than 20 gallons capacity.
- Unheated solvent cleaning tanks with a surface area less than 10 square feet and not using chlorinated solvents.
- Grinding, machining, abrasive blasting, wood working, and pneumatic conveying operations controlled by an internally-vented dust collector under 4000 CFM.
- Aluminum die casting machines.
- Gas stations equipped with Stage I vapor controls (certain counties only).
- Maintenance welding.
- Refrigerant reclaiming and recycling machines.
- Small natural gas compressor engines used for maintenance activities.
- Emergency electrical generators, compressors and pumps rated at 50 horsepower or less.
- Mobile treatment units or vacuum trucks used to contain and/or prevent further migration of a hazardous material spill during an emergency response.
- Discretionary exemptions from the Ohio EPA director for emergencies, spill clean-up or research and development projects.
- Relocation of any portable source within the state of Ohio meeting certain requirements.

See OAC rule 3745-31-03 for a complete list of exempt sources and the specific criteria that applies to exempt sources (for example, horsepower, capacity, sizing). A company claiming a permanent exemption under this rule is not required to provide notification to Ohio EPA. There are however additional notification requirements for portable source relocation

[Permit –by-Rule \(PBR\) Provisions \[OAC Rule 3745-31-03\(A\)\(4\)\]](#)

A PBR is a specific permit provision in the OAC that applies to certain types of low-emitting air pollution sources. Companies may use the PBR in place of a formal air pollution permit.

A PBR does not expire and exempts the air pollution source from the administrative permitting process and functions as both the installation and operating permit for the source.

OAC 3745-31-03(A)(4) contains 11 PBR provisions.

- Emergency electrical generators, pumps and compressors greater than 50 horsepower and used less than 500 hours per year.
- Resin injection/compression molding equipment that uses no more than 1000 pounds of VOC in mold release agents and flatting spray per year.
- Small crushing and screening plants (nonmetallic mineral processing plants)
- Remediation projects for soil-vapor extraction with total combined emission rates less than fifteen pounds of OC/day and lasting less than 18 months.
- Remediation projects for soil-liquid extraction with total combined emission rates less than fifteen pounds OC/day and lasting less than 18 months.
- Auto body refinishing shops using no more than three thousand gallons of all VOC containing materials per calendar year.
- Gas stations with Stage I vapor controls (certain counties).
- Gas stations with Stage I and II vapor controls (certain counties).
- Natural gas fired boilers and heaters with a maximum rated heat input capacity of greater than 10 million Btu per hour and less than or equal to 100 million Btu per hour.

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- Small printing facilities emitting no more than 10 tons of VOCs, no more than 5 tons of a single HAP, and no more than 10 tons of combined HAPs per calendar year
- Mid-size printing facilities emitting no more than 25 tons of VOCs, no more than 5 tons of a single HAP and no more than 12.5 tons of combined HAPs per rolling twelve month period.

Each PBR provision contains qualifying criteria, emission limits, conditions for operation and requirements for record keeping and reporting. Many of these requirements are similar or identical to those found in air pollution permits issued by Ohio EPA for these types of sources. To legally operate, the air pollution source or facility must continually meet all of the PBR criteria.

Companies wishing to operate under any of the PBR provisions must submit a simple, one-page notification form to their Ohio EPA district office or LAA. There is no waiting period (unless you want to convert an existing air permit to PBR) and there is no fee. You must comply with all of the PBR conditions immediately upon installing and operating the source.

If the company can no longer comply with the conditions of the PBR, the company must apply for an air pollution permit. Ohio EPA also retains the authority to deny or revoke a company's ability to operate under a PBR provision and require the company to obtain a permit.

For more information about the specific requirements of the PBR provisions, see OAC Rule 3745-31-03(A)(4). PBR notification forms, instructions, guidance materials and an online database of registered PBR sources are available at epa.ohio.gov/dapc/pbr/permithyrule.aspx.

More information

For more information, visit epa.ohio.gov/dapc/permits/permits.aspx. You may also contact your local Ohio EPA district office or LAA for air permitting issues and questions about exemptions at epa.ohio.gov/dapc/general/dolaa.aspx. Contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention at (800) 329-7518 for assistance with documenting exemptions or completing air permit applications..