

3745-31-03

Exemptions.

[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 (AA) of rule 3745-31-01 of the Administrative Code titled, "referenced materials."]

(A) A permit-to-install or PTIO as required by rule 3745-31-02 of the Administrative Code shall be obtained for the installation or modification, and operation of an air contaminant source unless exempted under paragraph (B) of this rule, or unless the owner or operator elects to install or modify, and operate, under a permit-by-rule in accordance with paragraph (C) of rule 3745-31-30 of the Administrative Code.

The exemptions under paragraph (B) of this rule relieve permittees from the obligation to apply for and obtain a permit-to-install or PTIO. These exemptions do not, however, exempt any air contaminant source from requirements of the Clean Air Act, including, but not limited to the following:

- (1) Being considered for purposes of determining whether a facility constitutes a major stationary source or a project constitutes a major modification.
- (2) Being considered for the purposes of determining whether a facility constitutes a major stationary source under the Title V program (Chapter 3745-77 of the Administrative Code).
- (3) Compliance with any applicable new source performance standard (NSPS) contained in 40 CFR part 60.
- (4) Compliance with any applicable national emissions standard for hazardous air pollutant (NESHAP) standard as contained in 40 CFR part 61.
- (5) Compliance with any applicable maximum achievable control technology standard (MACT) as contained in 40 CFR part 63.

(B) Exemptions.

(1) Permanent exemptions.

- (a) Fossil fuel-fired boilers, preheaters, air heaters, water heaters, or heaters used for other heat exchange media less than or equal to ten million British thermal units per hour burning only natural gas, distillate oil, biodiesel, or liquid petroleum gas.
- (b) Fossil fuel or wood fuel-fired boilers, preheaters, air heaters, or water heaters less than one million British thermal units per hour except units burning waste fuels or waste oil.
- (c) Fossil fuel-fired furnaces or dryers less than ten million British thermal

units per hour and burning only natural gas, distillate oil, biodiesel, or liquid petroleum gas and the only emissions are from the products of combustion from fuel and water vapor and where no melting or refining occurs nor where any burning of any material occurs.

(d) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

(e) Equipment used exclusively for the packaging of lubricants or greases, and water-borne adhesives, coatings or binders.

(f) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-borne adhesives, coatings or binders.

(g) Bakery ovens that bake any of the following:

(i) Chemically leavened products.

(ii) Yeast dough products and that are not located at a commercial bakery.

(iii) Biscuits, crackers, cookies and other similar nonleavened products.

(iv) Yeast dough, bread, buns and rolls at a bakery having a total maximum yeast dough, bread, buns and rolls production rate of less than or equal to one thousand pounds per hour.

(h) Mixers and blenders and deep fat fryers (except deep fat fryers used for large scale production of products) where the products are edible and intended for human consumption.

(i) Laboratory equipment.

(i) Laboratory equipment and laboratory fume hoods used exclusively for chemical or physical analyses and bench scale laboratory equipment.

(ii) Laboratory paint booths used to prepare samples for chemical or physical analysis where the actual emissions of each laboratory paint booth is less than 3.0 tons of VOC per year and where the following occurs:

(a) The owner or operator maintains records, available to the director upon request, detailing that the VOC emissions are less than 3.0 tons of VOC per year.

(b) Any exhaust system that serves only coating spray equipment is supplied with a properly installed and operating particulate control system.

(j) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

(k) Equipment used for injection molding of resins where no more than one million pounds (five hundred tons) of resins (thermoplastic or thermosetting) per rolling twelve-month period are used in injection machines at the facility.

(l) Storage tanks for any of the following:

(i) Inorganic liquids including water (at standard temperature and pressure) except as described in paragraph (B)(1)(l)(vii) of this rule.

(ii) Pressurized storage for inorganic compounds or propane, butane, isobutane, and liquid petroleum gases.

(iii) Liquids with a capacity of less than seven hundred gallons.

(iv) Organic liquids with a capacity of less than seventy-five cubic meters (nineteen thousand eight hundred fifteen gallons) and equipped with submerged fill, except gasoline storage tanks located at bulk gasoline plants which are subject to the requirements of paragraph (P) of rule 3745-21-09 of the Administrative Code.

(v) Organic liquids with a capacity greater than or equal to seventy-five cubic meters (nineteen thousand eight hundred fifteen gallons) but less than one hundred fifty-one cubic meters (thirty-nine thousand eight hundred ninety-four gallons) storing a liquid with a maximum true vapor pressure, as defined in 40 CFR 60.111b, of less than 15.0 kilopascals (2.176 pounds per square inch absolute) and equipped with submerged fill.

(vi) Organic liquids with a capacity greater than or equal to one hundred fifty-one cubic meters (thirty-nine thousand eight hundred ninety-four gallons) storing a liquid with a maximum true vapor pressure, as defined in 40 CFR 60.111b, of less than 3.5 kilopascals (0.508 pounds per square inch absolute).

(vii) Acids (as defined in the "Chemical Rubber Company (CRC) Handbook of Chemistry and Physics") stored in tanks less than or

equal to seven thousand five hundred gallons capacity.

(m) Compression molding presses used for the curing of plastic products that qualify for the de minimis exemption under rule 3745-15-05 of the Administrative Code. This type of press uses a thermosetting resin and involves a chemical reaction, usually involving heat curing, that converts the material (e.g., polyesters, polyurethanes, epoxy resins, etc.) to a solid, insoluble state using a hardening or curing operation.

(n) Presses used exclusively for extruding clay.

(o) Storage tanks, storage silos, and other farm equipment located on a farm and utilized exclusively for the production of food or grain on the premises.

(p) The relocation of any portable source including the portable permit-by-rule source in the state of Ohio that meets the following requirements:

(i) The director has issued a one-time approval to relocate to the new location in accordance with the following criteria:

(a) The portable source including the portable permit-by-rule source was installed after January 1, 1974 and continues to comply with any applicable BAT and state or federal air pollution rule or law.

(b) The portable source including the portable permit-by-rule source continues to comply with the currently effective permit-to-install or PTIO or any applicable permit-to-operate or registration status or currently effective permit-by-rule.

(c) The owner or operator has requested approval, in a form and manner prescribed by the director, to relocate the portable source including the portable permit-by-rule source within a minimum of twenty-one days prior to the scheduled relocation.

(d) The director has issued a public notice, consistent with Chapter 3745-49 of the Administrative Code, in the county where the proposed site is located, stating that in the director's judgment the portable source including the portable permit-by-rule source at the proposed site will have an acceptable environmental impact.

(e) Following approval of the site by the director, the portable

source including the portable permit-by-rule source may relocate to the site one time within three hundred sixty-five days of approval issuance.

(f) The owner or operator shall provide the director with confirmation of relocation, in a form and manner prescribed by the director, that the relocation has occurred within twenty-one days after relocation to the approved site.

(ii) The director has issued a site pre-approval for the new location in accordance with the following:

(a) The portable source including the portable permit-by-rule source was installed after January 1, 1974 and continues to comply with any applicable BAT and state or federal air pollution rule or law.

(b) The portable source including the portable permit-by-rule source continues to comply with the currently effective permit-to-install or PTIO or any applicable permit-to-operate or registration status or currently effective permit-by-rule.

(c) The owner or operator has requested approval, in a form and manner prescribed by the director, to relocate the portable source including the portable permit-by-rule source to the proposed pre-approved site.

(d) The director has issued a public notice, consistent with Chapter 3745-49 of the Administrative Code, in the county where the proposed pre-approved site is located, stating that in the director's judgment the portable source including the portable permit-by-rule source and the proposed pre-approved site will have an acceptable environmental impact.

(e) Following pre-approval of the site by the director, the portable source including the portable permit-by-rule source may relocate to the pre-approved site at any time on or before the expiration date. Pre-approvals expire within three years of approval issuance.

(f) The owner or operator shall provide the director with confirmation of relocation, in a form and manner prescribed by the director, that the relocation has occurred within twenty-one days after relocation to the pre-approved site.

[Comment: Relocation of any portable source including the portable permit-by-rule source that results in the installation of a major stationary source or the modification of a major stationary source shall also meet all applicable requirements under this chapter, including the requirement to obtain a permit-to-install prior to relocation. Relocation of any portable source including the portable permit-by-rule source that results in the creation of a major source, as defined in rule 3745-77-01 of the Administrative Code, shall also meet all applicable requirements under the Title V program contained in Chapter 3745-77 of the Administrative Code, which may include the requirement to apply for a Title V permit.]

- (q) Dry cleaning facilities, as defined in paragraph (K)(2) of rule 3745-21-01 of the Administrative Code, that do not use perchloroethylene solvent and meet all of the following:
 - (i) Employ petroleum solvents as defined in paragraph (K)(7) of rule 3745-21-01 of the Administrative Code or other non-perchloroethylene solvents that meet the definition of volatile organic compound.
 - (ii) Have a total manufacturer's rated capacity of all dry-to-dry cleaning machines and separate dryers at the facility of less than or equal to eighty-three pounds of articles, dry basis.
 - (iii) Have a total annual consumption of solvents in all machines of less than or equal to five hundred gallons.
 - (iv) Comply with paragraph (BB)(1)(c) of rule 3745-21-09 of the Administrative Code for minimizing solvent evaporation, and paragraphs (BB)(1)(d), (BB)(1)(e), (BB)(4)(b)(iv) and (BB)(5)(b) of rule 3745-21-09 of the Administrative Code for recordkeeping and reporting related to equipment leak detection and repair.
- (r) Dry cleaning and laundry facilities that employ wet cleaning processes, liquid carbon dioxide processes, or equipment that utilizes volatile methyl siloxane solvent.
- (s) Noncontinuous solvent recycling or reclaiming units with less than twenty gallons capacity.
- (t) Non-heatset or sheet-fed presses with an organic content potential to emit of less than three tons per year.

- (u) [Reserved.]
- (v) Equipment used for spraying or applying insecticides, pesticides and herbicides except at facilities producing these substances or mixtures for sale or distribution.
- (w) Combustors used exclusively for the purpose of research and development of more efficient combustion of coal or more effective prevention of air pollutant emissions from coal combustion, less than ten million British thermal units per hour and an annual average capacity factor of not more than twenty per cent.
- (x) Solvent cold cleaners that meet the provisions of paragraph (O) of rule 3745-21-09 of the Administrative Code and have a liquid surface area less than or equal to ten square feet or a reservoir opening of less than six inches in diameter.
- (y) Ink-jet printers.
- (z) Grinding and machining operations, abrasive blasting, pneumatic conveying, and wood working operations controlled with a paper or fabric filter, scrubber, or mist collector designed to emit not more than 0.03 grains of particulate per dry standard cubic foot of exhaust gas with less than four thousand actual cubic feet per minute volume, venting inside a building, and emitting less than ten pounds per day of nonparticulate matter air contaminants.
- (aa) Uncontrolled grinding, machining, and sanding operations, abrasive cleaning operations (dry or wet), pneumatic conveying and woodworking operations that have no visible emissions, vent to the inside of a building and emit less than ten pounds per day of nonparticulate matter air contaminants.
- (bb) Parts washers and rinse tanks using detergent cleaners.
- (cc) Aluminum die-casting machines.
- (dd) Air contaminant sources at nonproduction research and development operations with a potential to emit from any air contaminant source of less than one ton per year of any criteria pollutant per air contaminant source.
- (ee) Vegetable oil storage tanks and pumps and valves used in vegetable oil processing operations.
- (ff) Gasoline dispensing facilities, as defined in paragraph (H) of rule

3745-21-01 of the Administrative Code, or other motor fuel dispensing facilities that are equipped with Stage I vapor control and are not located in the following counties, consistent with paragraph (A) of rule 3745-21-09 of the Administrative Code: Ashtabula, Butler, Clark, Clermont, Cuyahoga, Delaware, Franklin, Geauga, Greene, Hamilton, Lake, Licking, Lorain, Lucas, Mahoning, Medina, Miami, Montgomery, Portage, Stark, Summit, Trumbull, Warren, or Wood.

(gg) Gasoline dispensing facilities, as defined in paragraph (H) of rule 3745-21-01 of the Administrative Code, or other motor fuel dispensing facilities that have an individual maximum annual throughput of less than six thousand gallons of gasoline per year.

(hh) Air separation plants.

(ii) All maintenance welding operations.

(jj) Brazing, soldering, welding, or plasma cutting operations where emissions of particulate matter are vented to a control device located and vented inside the building.

(kk) Passive methane venting systems from non-hazardous waste landfills.

(ll) Coating applicators with properly designed and operated particulate matter control devices and venting systems that employ less than five gallons of only air-dried coating material in any one day provided that the applicators are:

(i) Not located in a nonattainment area for ozone.

(ii) Not subject to limits specified in or not specifically exempted from rule 3745-21-09 of the Administrative Code.

(iii) Not subject to federal standards of performance for new stationary sources.

(iv) Not located at a facility with actual emissions of twenty-five or more tons of volatile organic materials per year.

(mm) Refrigerant reclaiming and recycling machines located at motor vehicle repair facilities.

(nn) Natural gas compressor engines used for maintenance activities with a heat input rate of no greater than ten million British thermal units per hour fired by natural gas, gasoline or distillate oil, and that, as applicable, comply with either 40 CFR part 60, subpart IIII, the standards of performance for new stationary compression ignition

internal combustion engines, or 40 CFR part 60, subpart JJJJ, the standards of performance for new stationary spark ignition internal combustion engines, or 40 CFR part 63, subpart ZZZZ, the "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines."

(oo) Emergency electrical generators, emergency air compressors or emergency water pumps less than or equal to fifty horsepower that burn gasoline, natural gas, distillate oil, or liquid petroleum gas, and that, as applicable, comply with either 40 CFR part 60, subpart IIII, the standards of performance for new stationary compression ignition internal combustion engines, or 40 CFR part 60, subpart JJJJ, the standards of performance for new stationary spark ignition internal combustion engines, or 40 CFR part 63, subpart ZZZZ, the "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines."

(pp) Two-stroke or four-stroke, air-cooled engines of no more than twenty horsepower, fueled by gasoline, natural gas or liquified petroleum gas, used for lawnmowers, small electric generators, compressors, pumps, minibikes, snow throwers, garden tractors or other similar uses.

(qq) Non-road engines, subject to the following:

(i) Consistent with this exemption and pursuant to division (T)(3) of section 3745.11 of the Revised Code, permit-to-install fees for the installation of exempt non-road engines, as required under section 3745.11 of the Revised Code, are hereby waived for any permit-to-install issued for an exempt non-road engine where the permittee has not yet paid the fee.

(ii) This exemption does not apply to non-road engines that emit visible particulate emissions with opacities greater than twenty per cent as a six-minute average as determined by USEPA method 9 of 40 CFR Part 60, Appendix A.

(rr) An internal combustion engine used for locomotion installed in a marine vessel, an aircraft, a locomotive, a recreational vehicle, a motor vehicle (self-propelled vehicles designed for transporting persons or property on a street or highway), a vehicle used solely for competition, or an off-highway vehicle.

(ss) A dynamometer operation for fully assembled motor vehicles. This exemption includes dynamometer operations used as part of final assembly of new motor vehicles, roll testing of new motor vehicles, testing of vehicles used solely for competition, testing of motor vehicles

for compliance with emissions standards, motor vehicle maintenance, road testing and repair dynamometers and other similar fully assembled motor vehicle dynamometer operations.

(tt) The one time use of a mobile treatment unit or vacuum truck in order to contain or prevent further migration of a hazardous material spill during an emergency response. This exemption shall be effective for thirty days from the date the mobile treatment unit or vacuum truck is first put into use unless the owner or operator meets one of the following within the thirty-day period:

(i) Applies for a permit-to-install or PTIO in accordance with rule 3745-31-02 of the Administrative Code. The exemption shall expire upon final issuance or final denial of the permit-to-install or PTIO.

(ii) Submits written notification, in accordance with paragraph (C)(1)(b) of rule 3745-31-30 of the Administrative Code, of the applicability of a permit-by-rule in paragraph (C)(2)(d) or (C)(2)(e) of rule 3745-31-30 of the Administrative Code. The exemption shall expire upon receipt of the written notification by the appropriate Ohio environmental protection agency district office or local air agency.

(uu) A tank at a POTW or semi-public disposal system operating under a valid "National Pollutant Discharge Elimination System" (NPDES) permit used in the treatment (including recycling and reclamation) of domestic sewage or industrial waste of a liquid nature. If the director finds the tank is causing or may cause a public nuisance, in violation of rule 3745-15-07 of the Administrative Code, an application for a permit-to-install or PTIO shall be submitted in accordance with rule 3745-31-02 of the Administrative Code.

(vv) Powder coating lines that use less than 300.0 tons of powder coating by weight per year. This exemption includes fully electric curing ovens or curing ovens with a total heat input of less than ten million British thermal units per hour burning only natural gas, distillate oil, or liquid petroleum gas. This exemption does not include any VOC laden clean-up material.

(ww) On-site cleaning, stripping and subsequent coating of outdoor objects and structures such as buildings, bridges, billboards, signs, water towers, swimming pools, lampposts, fences, railings, monuments, etc. that are cleaned, stripped, or coated periodically for maintenance purposes, provided the following apply:

- (i) Dry abrasive blasting operations, if conducted, employ tarps, enclosures, or other techniques to prevent dust nuisances.
- (ii) Solid waste and hazardous waste and waste waters generated by the operations are managed in accordance with applicable regulations.
- (xx) Construction activities located at a construction site for a project for which no air pollution permits are required.
- (yy) On-site building demolition and implosion provided all applicable provisions of Chapter 3745-20 of the Administrative Code for the assessment and removal of any asbestos containing materials were completed prior to the start of any demolition activities.
- (zz) Grading, dragging, striping, and other activities to prepare dirt athletic fields and racetracks for use.
- (aaa) Traffic marking and striping operations of paved roadways and parking areas, provided the coatings employed meet the standards for architectural and industrial maintenance coatings specified in Chapter 3745-113 of the Administrative Code.
- (bbb) Concrete or masonry waterproofing and sealing, provided the coatings employed meet the standards for architectural and industrial maintenance coatings specified in Chapter 3745-113 of the Administrative Code.
- (ccc) Roof coating and asphalt surface sealing, provided the coatings employed meet the standards for architectural and industrial maintenance coatings specified in Chapter 3745-113 of the Administrative Code.
- (ddd) Diesel fuel storage and dispensing operations.
- (eee) Outdoor and indoor firing and shooting ranges, provided indoor ranges comply with all applicable OSHA workplace indoor air quality standards.
- (fff) Equipment for annealing, heat treating, case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing or diffusion treating of metal or glass objects, which are electrically heated or which fire natural gas or distillate oil at a maximum total heat input rate of less than ten million British thermal units per hour, and does not involve molten materials, oil-coated parts or oil quenching.

- (ggg) Heating units burning used oil, as defined in rule 3745-279-01 of the Administrative Code, in which the manufacturer's maximum heat input rating is less than five hundred thousand British thermal units per hour.
- (hhh) Compost piles, windrows, and associated activities including material receiving, storage, mixing, curing, turning, and load-out at Class II, III and IV solid waste composting facilities as defined by rule 3745-560-02 of the Administrative Code, provided the material is kept sufficiently wet for effective composting and dust control.
- (iii) Beauty salons, barber shops, and nail salons.
- (jjj) Roadways and parking areas (either paved or unpaved) with less than three thousand eight hundred vehicle miles traveled per year, less than 5.0 tons particulate matter emissions, and less than 1.45 tons PM10 per year.
- (kkk) Valve sites and metering and regulating facilities within the natural gas transmission and downstream distribution pipeline system that have a potential to emit of less than 5.0 tons of VOC per year.
- (lll) Temporary portable flares (i.e., flares not located at well sites or natural gas processing facilities) used in conjunction with natural gas transmission and downstream distribution pipeline on-site repairs, maintenance or construction/dismantlement activities that are operated in accordance with 40 CFR 60.18, have a potential to emit of less than 5.0 tons each of VOC, sulfur dioxide, and carbon monoxide per year, and operate no more than 14 days at a time at any one site.
- (mmm) Temporary fuel-burning equipment (e.g., boilers or engines) used to replace main fuel-burning equipment during periods of maintenance or repair provided the actual emissions and potential to emit of the temporary sources do not exceed that of the replaced sources, the temporary source does not remain at the location for more than ninety consecutive days, and the owner/operator has notified the director prior to its use. This exemption does not apply to sources subject to the portable source requirements under paragraph (B)(1)(p) of this rule.
- (nnn) Breweries of beer and flavored malt beverages, including packaging and labeling lines, having a production capacity of no greater than sixty thousand thirty-one-gallon barrels per year.
- (ooo) Portable sawmills which process no more than eighteen million board feet of green wood per year, are powered by exempt non-road engines and where wood waste is mechanically discharged directly to storage piles.

(ppp) Sand and gravel storage and handling operations that meet all of the following:

(i) The material throughput for the sand storage and handling operations does not exceed five hundred tons per day, and the total surface area for sand storage piles does not exceed 4.5 acres.

(ii) The material throughput for the gravel storage and handling operations shall not exceed four hundred tons per day, and the total surface area for sand storage piles shall not exceed 2.0 acres.

(qqq) Wet cooling towers, treatment systems for process cooling water or boiler feedwater, and water tanks, reservoirs, or other water containers designed to cool, store, or otherwise handle water (including rainwater), and meet all of the following:

(i) The water has not been used in direct contact with gaseous or liquid process streams containing carbon compounds, sulfur compounds, halogens or halogen compounds, cyanide compounds, chromium-based corrosion inhibitors, inorganic acids, or acid gases.

(ii) Is not a forced or induced draft cooling tower system subject to a national emissions standard for hazardous air pollutants (NESHAP) requirement.

(iii) Has a combination of water flow rate, total dissolved solids concentration, and per cent drift that yields a particulate matter emission rate no greater than 5.0 tons per year according to the following equation:

$$E = (Q) \left(\frac{TDS}{10^6} \right) \left(\% \frac{drift}{100} \right) (\rho_{H2O}) \left(\frac{60 \text{ min}}{\text{hour}} \right) \left(\frac{8,760 \text{ operating hours}}{\text{year}} \right) \left(\frac{1 \text{ ton}}{2,000 \text{ lbs}} \right)$$

(rrr) Animal crematories that meet all of the following:

(i) Only whole animals and bedding and their containers are incinerated.

(ii) The animals have not been exposed to an infectious agent or a zoonotic agent.

(iii) The crematory supplies only natural gas, propane, or butane to the burners, and does not employ liquid accelerants.

(iv) The burners have a total heat input capacity no greater than five million British thermal units per hour.

(v) The crematory's maximum rated input capacity is no greater than thirteen hundred pounds per hour.

[Comment: Paragraph (B)(1)(rrr) of this rule does not relieve the owner or operator of any requirement pertaining to incineration under Chapters 3745-27, 3745-550, and 3745-570 of the Administrative Code, including, but not limited to rules 3745-27-02, "Permit to install," and 3745-27-32, "Standards for the operation of infectious waste treatment facilities" of the Administrative Code, paragraph (C) of rule 3745-27-32, "Incinerators," paragraph (D)(5) of rule 3745-27-01, "Infectious agent;" and paragraph (Z)(2) of rule 3745-27-01, "Zoonotic agent" of the Administrative Code (definitions).]

(sss) Production electric arc welding operations that use no more than one hundred and sixteen pounds of electrode per day.

(ttt) Ultraviolet (UV) type or corona discharge (CD) type, ozone generators with a maximum output capacity (as specified by the generator manufacturer) not exceeding 189 grams of ozone (O₃) per hour (g/hr).

(2) Federal based exemptions.

The following exemption applies regardless of the applicability of the national emission standards for hazardous air pollutants or the new source performance standards.

Cleanup activities associated with the removal or remedial action conducted entirely on site, where such remedial action is selected and carried out in compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121(e) and where such action meets all applicable air pollution emission limits and policies.

(3) Discretionary exemptions.

(a) At the director's discretion, the director may exempt the installation and operation of an air contaminant source or any other source associated with the clean-up of a spill or a leaking underground storage tank from the requirements to obtain a permit-to-install or PTIO.

(b) At the director's discretion, the director may exempt the installation and operation of an air contaminant source from the requirements to obtain a permit-to-install or PTIO to deal with an emergency situation involving immediate threats to human health, property or the

environment.

(c) At the director's discretion, the director may exempt the installation and operation of an air contaminant source from the requirements to obtain a permit-to-install or PTIO for the emergency replacement of storage tanks associated with a leaking underground storage tank for a period not to exceed six months.

(d) At the director's discretion, and in writing, the director may exempt the installation and operation or modification of an air contaminant source from the requirement to obtain a permit-to-install or PTIO for a period of up to six months for purposes of research and development of more effective prevention or control of air pollutant emissions or of more efficient combustion of coal.

(e) At the director's discretion, and in writing, the director may exempt the installation and operation of a temporary source from the requirement to obtain a permit-to-install or PTIO for a period of up to two calendar years for the purpose of testing air contaminant emissions so that a suitable control technology can be ascertained.

(f) At the director's discretion, and in writing, the director may exempt the temporary installation, modification or operation of an air contaminant source from the requirements to obtain a permit-to-install or PTIO for a period of up to sixty days for the purpose of evaluating new production feasibility or air quality impacts from the temporary modification. A request for this exemption shall be made in writing and shall provide a detailed description of the proposed temporary modification to the air contaminant source, the time period over which the modification will occur, any changes in air emissions from the air contaminant source as a result of the temporary modification, and the ambient impact of the emissions from the air contaminant source as a result of the temporary modification. The director may require that performance tests be conducted during the period of the temporary modification.

(g) At the director's discretion, and in writing, the director may exempt any treatability studies or on-site response actions (cleanup operations) that meet all applicable air emission limits and policies from the requirement to obtain a permit-to-install or PTIO. Anyone requesting this exemption shall provide the director with sufficient information to make this decision.

(4) De-minimis exemption.

Air contaminant sources which meet rule 3745-15-05 of the Administrative Code and section 3704.011 of the Revised Code are exempt from this chapter.