

3745-31-03

**Permit to install exemptions.**

[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 "Incorporation by Reference" section at the end of rule 3745-31-01 of the Administrative Code.]

(A) A permit to install as required by rule 3745-31-02 of the Administrative Code must be obtained for the installation or modification of a new air contaminant source unless exempted from the requirements as follows:

(1) Permanent exemptions:

The following exemptions do not apply to a combination of common emissions units that are a major stationary source or major modification, or to emissions units that the National Emissions Standards for Hazardous Air Pollutants applies (except for 40 CFR Part 61, subpart M, asbestos removal activities), or to emissions units that the Maximum Achievable Control Technology standard applies, or to emissions units that the "New Source Performance Standards" applies (except for 40 CFR Part 60, subpart AAA, residential wood heaters).

- (a) Fossil fuel-fired boilers, preheaters, air heaters, water heaters, or heaters used for other heat exchange media less than ten million British thermal units per hour burning only natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), 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 (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas and the only emissions are from the products or 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:
  - (i) Chemically leavened products; or
  - (ii) Yeast dough products and that are not located at a commercial bakery; or
  - (iii) Biscuits, crackers, cookies and other similar nonleavened projects; or
  - (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 to produce potato chips) where the products are edible and intended for human consumption.
- (i) Laboratory equipment and laboratory fume hoods used exclusively for chemical or physical analyses and bench scale laboratory equipment.
- (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 of resins (thermoplastic or thermosetting) per rolling twelve-month period are used in injection machines at the facility.
- (l) Storage tanks for:
  - (i) Inorganic liquids including water (at standard temperature and pressure) except as described in paragraph (A)(1)(l)(v) of this rule; or
  - (ii) Pressurized storage for inorganic compounds or propane, butane, isobutane, and liquid petroleum gases; or

- (iii) Liquids with a capacity of less than seven hundred gallons; or
- (iv) Liquids with a capacity of less than or equal to ten thousand gallons equipped with submerged fill and that store organic liquids or mixtures containing organic liquids (excluding pesticides) with each organic liquid component's vapor pressure of less than or equal to 1.5 pounds per square inch absolute at seventy degrees Fahrenheit; or
- (v) Acids (as defined in the most recent edition of 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, 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 in the state of Ohio that meets either paragraph (A)(1)(p)(i) or paragraph (A)(1)(p)(ii) of the following:
  - (i) The company has demonstrated the following:
    - (a) The portable source is equipped with the best available technology for such portable source; and
    - (b) The portable source is operating pursuant to a currently effective permit to install, permit to operate or registration status; and
    - (c) The applicant has provided proper notice of intent to relocate the portable source to the director within a minimum of

thirty days prior to the scheduled relocation; and

(d) In the director's judgment, the proposed site is acceptable under rule 3745-15-07 of the Administrative Code, or

(ii) The director has issued a site approval for the new location pursuant to rule 3745-31-05 of the Administrative Code.

- (q) A drycleaning facility constructed between January 1, 1974 and December 31, 1981 in which the annual amounts of fabric drycleaned with perchloroethylene is less than sixty thousand pounds and is not located in Butler, Clermont, Cuyahoga, Franklin, Greene, Hamilton, Lake, Lorain, Lucas, Mahoning, Medina, Montgomery, Portage, Stark, Summit, Trumbull, Warren and Wood counties.
- (r) Noncontinuous solvent recycling or reclaiming units with less than twenty gallons capacity.
- (s) Nonheat-set or sheet-fed presses with an organic compound potential to emit of less than three tons per year.
- (t) An incinerator designed and used to dispose of residential wastes and having a capacity for serving no more than five households.
- (u) Equipment used for spraying or applying insecticides, pesticides and herbicides except at facilities producing these substances or mixtures for sale or distribution.
- (v) 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.
- (w) 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.
- (x) Ink-jet printers.

- (y) Grinding and machining operations, abrasive blasting, pneumatic conveying, and wood working operations controlled with a 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 acfm volume, venting inside a building, and emitting less than ten pounds per day of non particulate air contaminants.
- (z) 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 non particulate air contaminants.
- (aa) Parts washers and rinse tanks using detergent cleaners.
- (bb) Aluminum die-casting machines.
- (cc) 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.
- (dd) Vegetable oil storage tanks and pumps and valves used in vegetable oil processing operations.
- (ee) 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 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 counties.
- (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 have an individual maximum annual throughput of less than six thousand gallons of gasoline per year.
- (gg) Air separation plants.
- (hh) All maintenance welding.

- (ii) Arc welding where emissions of particulate matter are vented to a control device located and vented inside the building.
- (jj) Passive methane venting systems from non-hazardous waste landfills.
- (kk) Coating applicators with properly designed and operated particulate 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; and
  - (iv) Not located at a facility with actual emissions of twenty-five or more tons of volatile organic materials per year and are not subject to a standard under section 112 of the Clean Air Act.
- (ll) Refrigerant reclaiming and recycling machines located at motor vehicle repair facilities.
- (mm) Natural gas compressor engines used for maintenance activities with a heat input rate of no greater than 10 million British thermal units per hour fired by natural gas, gasoline or distillate oil (with less than or equal to 0.5 per cent by weight sulfur).
- (nn) Emergency electrical generators or emergency firefighting water pumps less than or equal to 50 horsepower that burn gasoline, natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas.
- (oo) 2-stroke or 4-stroke, air-cooled, gasoline-powered engines no more than 20 horsepower used for lawnmowers, small electric generators, compressors, pumps, minibikes, snowthrowers, garden tractors or other similar uses.

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

- (i) Consistent with this exemption and pursuant to ORC section 3745.11(T)(3), permit to install fees for the installation of exempt non-road engines, as required under ORC section 3745.11, 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.

(2) Federal based exemptions.

The following exemption applies regardless of the applicability of the "National Emissions Standards for Hazardous Air Pollutants" and/or the "New Source Performance Standards".

- (a) 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) The director, at his discretion, may exempt the installation 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.
- (b) The director, at his discretion, may exempt the installation of an air contaminant source from the requirements to obtain a permit to install to deal with an emergency situation involving immediate threats to human health, property or the environment.
- (c) The director, at his discretion, may exempt the installation of an air contaminant source from the requirements to obtain a permit to install for the emergency replacement of storage tanks associated with a leaking underground storage tank for a period not to exceed six months.

- (d) The director, at his discretion and in writing, may exempt the installation or modification of an air contaminant source from the requirement to obtain a permit to install 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) A temporary source that, as so ordered by the director at his discretion, is to be operated for the purpose of testing air contaminant pollution emissions so that a suitable control technology can be ascertained and will not operate for more than two calendar years.
- (f) The director, at his discretion and in writing, may exempt the temporary modification of an air contaminant source from the requirements to obtain a permit to install for a period of up to sixty days for the purpose of evaluating new production feasibility and/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) The director, at his discretion and in writing, 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. Anyone requesting this exemption must provide the director with sufficient information to make this decision.

#### (4) Permit-by-rule exemptions

The following air contaminant sources are exempt from the requirement to obtain a permit to install. These exemptions are valid only as long as the owner or operator collects and maintains the records described for each air contaminant source exempted under this rule and these records are retained in the owner or operator's files for a period of not less than five years and are made available to the director or any authorized representative of the director for review during normal business hours:

- (a) Emergency electrical generators, emergency firefighting water pumps, or emergency air compressors powered by internal combustion engines

greater than 50 horsepower where each engine operates at any one facility for no more than 500 hours per rolling 12 month period and where such engine burns gasoline, natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas and that maintain the following records:

- (i) Monthly records that contain the rolling twelve month hours of operation; and
- (ii) Records that show the type of fuel used and the sulfur content (in per cent by weight) of any distillate oil used.

(b) Equipment used for injection and compression molding of resins where:

- (i) The facility does not qualify for the exemption under paragraph (A)(1)(k) or (A)(1)(m) of rule 3745-31-03 of the Administrative Code; and

- (ii) The facility uses no more than 1000 pounds of volatile organic compound in external mold release agents and flatting spray per rolling twelve-month period; and

(a) The facility uses no thermoset resins and no more than six million pounds of thermoplastic resins (e.g., polyethylene, polypropylene, polycarbonate, and polyvinyl chloride, etc.) per rolling twelve-month period in injection machines at the facility (this type of molding operation involves materials that soften and melt upon heating or pressurization heating with no chemical change and no permanent change in physical properties. It does not involve curing, thermosetting or cross-linking.); or

(b) The facility uses no thermoplastic resins and no more than five hundred thousand pounds of thermoset resins (e.g., polyesters, polyurethanes, epoxy resins, etc.) per rolling twelve-month period in injection and compression molding machines at the facility (these types of molding operations use a thermoset resin and involve a chemical reaction, usually involving heat, that converts the material (e.g., polyesters, polyurethanes, epoxy resins, etc.) to a solid, insoluble state using a hardening or curing operation.); or

- (iii) No more than three tons per year of volatile organic compounds are emitted, including volatile organic compounds from external mold release agents and flatting spray, per rolling twelve-month period from injection and compression molding machines at the facility calculated by using emission factors approved by the Ohio EPA; and
  - (iv) The facility maintains monthly records that contain the rolling twelve-month usage of thermoplastic resins, thermosetting resins and volatile organic compounds in external mold release agents and flatting spray used in all injection and compression molding machines at the facility, and the Ohio EPA approved emission factors used to calculate the emissions.
- (c) Crushing and screening plants, as defined under 40 CFR part 60 subpart 000:
- (i) Fixed sand and gravel plants and crushed stone plants with capacities, as defined in 40 CFR 60.671, of 23 megagrams per hour (25 tons per hour) or less;
  - (ii) Portable stone and gravel plants and crushed stone plants with capacities, as defined in 40 CFR 60.671, of 136 megagrams per hour (150 tons per hour) or less;
  - (iii) Common clay plants and pumice plants with capacities, as defined in 40 CFR 60.671, of 9 megagrams per hour (10 tons per hour) or less; and
  - (iv) Fixed and portable soil screening plants with capacities, as defined in 40 CFR 60.671, of 136 megagrams per hour (150 tons per hour) or less

That either employ a baghouse, wet scrubber, water sprays or combination thereof that is designed and operated to emit no more than 10 percent opacity from stack or fugitive emission points, or employs an enclosed design that is designed and operated to emit no more than 15 percent opacity from stack or fugitive emission points, and that maintain the following daily records:

(a) Material throughput in tons per day; and

(b) Pressure drop readings across the control device as applicable;  
and

(c) Meter readings of quantities of water used for wet scrubbing  
and spray applications as applicable; and

(d) Operating hours of the crushing and grinding equipment.

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spray applications as applicable; and~~

~~(iv) Operating hours of the crushing and grinding equipment.~~

(d) Soil-vapor extraction remediation activities located at facilities that have total combined emissions rates less than 15 pounds of organic compounds per day are hereby exempted from the permit to install requirements for a period of 18 months from the beginning of vapor extraction activities so long as the owner or operator provides the director with the following information prior to beginning actual construction:

(i) A description and the location of the remediation site.

(ii) A description of the nature and type of contamination at the site.

(iii) A description of the vapor extraction processes to be used in the remediation activities.

(iv) An estimate of the air contaminant emissions in ppm by volume, pounds per hour and tons per year.

(v) A description of the costs of the vapor control equipment to be used to control emissions from the remediation activities.

(vi) A description of the projected start date of the remediation project, a list of the project milestones and an estimate of how long the remediation activities will operate.

(vii) A notice of when the soil-vapor extraction remediation activities

begin, when major project milestones are met and when the remediation activities are completed.

- (e) Soil-liquid extraction remediation activities located at facilities that have total combined emissions rates less than 15 pounds of organic compounds per day are hereby exempted from the permit to install requirements for a period of 18 months from the beginning of the liquid extraction activities so long as the owner or operator provides the director with the following information prior to beginning actual construction:
- (i) A description and the location of the remediation site.
  - (ii) A description of the nature and type of contamination at the site.
  - (iii) A description of the liquid extraction and liquid-vapor stripping processes to be used in the remediation activities.
  - (iv) An estimate of the air contaminant emissions in ppm by volume, pounds per hour and tons per year.
  - (v) A description of the costs of the vapor control equipment to be used to control emissions from the remediation activities.
  - (vi) A description of the projected start date of the remediation project, a list of the project milestones and an estimate of how long the remediation activities will operate.
  - (vii) A notice of when the soil-liquid extraction remediation activities begin, when major project milestones are met and when the remediation activities are completed.

3745-31-03

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Effective: 10/17/2003

R.C. 119.032 review dates: 05/31/2006

**CERTIFIED ELECTRONICALLY**

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**Certification**

10/06/2003

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**Date**

Promulgated Under: 119.03  
Statutory Authority: ORC 3704.03, 3745.05  
Rule Amplifies: ORC 3704.03, 3745.05  
Prior Effective Dates: 1/1/74, 8/15/82, 9/18/87,  
8/14/89, 10/8/93, 6/1/94,  
4/12/96, 4/27/98, 10/30/2001

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(A) A permit to install as required by rule 3745-31-02 of the Administrative Code must be obtained for the installation or modification of a new air contaminant source unless exempted from the requirements as follows:

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- (a) Fossil fuel-fired boilers, preheaters, air heaters, water heaters, or heaters used for other heat exchange media less than ten million British thermal units per hour burning only natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas.
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- (i) Laboratory equipment and laboratory fume hoods used exclusively for chemical or physical analyses and bench scale laboratory equipment.
- (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 of resins (thermoplastic or thermosetting) per rolling twelve-month period are used in injection machines at the facility.
- (l) Storage tanks for:
- (i) Inorganic liquids including water (at standard temperature and pressure) except as described in paragraph (A)(1)(l)(v) of this rule; or
  - (ii) Pressurized storage for inorganic compounds or propane, butane, isobutane, and liquid petroleum gases; or
  - (iii) Liquids with a capacity of less than seven hundred gallons; or
  - (iv) Liquids with a capacity of less than or equal to ten thousand gallons equipped with submerged fill and that store organic liquids or mixtures containing organic liquids (excluding pesticides) with each organic liquid component's vapor pressure of less than or equal to 1.5 pounds per square inch absolute at seventy degrees Fahrenheit; or

- (v) Acids (as defined in the most recent edition of 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, 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 in the state of Ohio that meets either paragraph (A)(1)(p)(i) or paragraph (A)(1)(p)(ii) of the following:
  - (i) The company has demonstrated the following:
    - (a) The portable source is equipped with the best available technology for such portable source; and
    - (b) The portable source is operating pursuant to a currently effective permit to install, permit to operate or registration status; and
    - (c) The applicant has provided proper notice of intent to relocate the portable source to the director within a minimum of thirty days prior to the scheduled relocation; and
    - (d) In the director's judgment, the proposed site is acceptable under rule 3745-15-07 of the Administrative Code, or
  - (ii) The director has issued a site approval for the new location pursuant to rule 3745-31-05 of the Administrative Code.

- (q) A drycleaning facility constructed between January 1, 1974 and December 31, 1981 in which the annual amounts of fabric drycleaned with perchloroethylene is less than sixty thousand pounds and is not located in Butler, Clermont, Cuyahoga, Franklin, Greene, Hamilton, Lake, Lorain, Lucas, Mahoning, Medina, Montgomery, Portage, Stark, Summit, Trumbull, Warren and Wood counties.
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- (s) Nonheat-set or sheet-fed presses with an organic compound potential to emit of less than three tons per year.
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- (v) 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.
- (w) 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.
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- (z) 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 non particulate air contaminants.

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- (cc) 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.
- (dd) Vegetable oil storage tanks and pumps and valves used in vegetable oil processing operations.
- (ee) 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 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 counties.
- (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 have an individual maximum annual throughput of less than six thousand gallons of gasoline per year.
- (gg) Air separation plants.
- (hh) All maintenance welding.
- (ii) Arc welding where emissions of particulate matter are vented to a control device located and vented inside the building.
- (jj) Passive methane venting systems from non-hazardous waste landfills.
- (kk) Coating applicators with properly designed and operated particulate 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; and
  - (iv) Not located at a facility with actual emissions of twenty-five or more tons of volatile organic materials per year and are not subject to a standard under section 112 of the Clean Air Act.
- (II) Refrigerant reclaiming and recycling machines located at motor vehicle repair facilities.
- (mm) Natural gas compressor engines used for maintenance activities with a heat input rate of no greater than 10 million British thermal units per hour fired by natural gas, gasoline or distillate oil (with less than or equal to 0.5 per cent by weight sulfur).
- (nn) Emergency electrical generators or emergency firefighting water pumps less than or equal to 50 horsepower that burn gasoline, natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas.
- (oo) 2-stroke or 4-stroke, air-cooled, gasoline-powered engines no more than 20 horsepower used for lawnmowers, small electric generators, compressors, pumps, minibikes, snowthrowers, garden tractors or other similar uses.
- (pp) Non-road engines, subject to the following provisos:
- (i) Consistent with this exemption and pursuant to ORC Section 3745.11(t)(3), permit to install fees for the installation of exempt non-road engines, as required under Ohio Revised Code Section 3745.11, 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.

(2) Federal based exemptions.

The following exemption applies regardless of the applicability of the "National Emissions Standards for Hazardous Air Pollutants" and/or the "New Source Performance Standards".

- (a) 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

- (b) The director, at his discretion, may exempt the installation 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.
- (b) The director, at his discretion, may exempt the installation of an air contaminant source from the requirements to obtain a permit to install to deal with an emergency situation involving immediate threats to human health, property or the environment.
- (c) The director, at his discretion, may exempt the installation of an air contaminant source from the requirements to obtain a permit to install for the emergency replacement of storage tanks associated with a leaking underground storage tank for a period not to exceed six months.
- (d) The director, at his discretion and in writing, may exempt the installation or modification of an air contaminant source from the requirement to obtain a permit to install 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) A temporary source that, as so ordered by the director at his discretion, is to be operated for the purpose of testing air contaminant pollution emissions so that a suitable control technology can be ascertained and will not operate for more than two calendar years.
- (f) The director, at his discretion and in writing, may exempt the temporary modification of an air contaminant source from the requirements to obtain a permit to install for a period of up to sixty days for the purpose of evaluating new production feasibility and/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) The director, at his discretion and in writing, 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. Anyone requesting this exemption must provide the director with sufficient information to make this decision.

(4) **Permit-by-rule exemptions**

The following air contaminant sources are exempt from the requirement to obtain a permit to install. These exemptions are valid only as long as the owner or operator collects and maintains the records described for each air contaminant source exempted under this rule and these records are retained in the owner or operator's files for a period of not less than five years and are made available to the director or any authorized representative of the director for review during normal business hours:

- (a) Emergency electrical generators, emergency firefighting water pumps, or emergency air compressors powered by internal combustion engines greater than 50 horsepower where each Engine operates at any one facility for no more than 500 hours per rolling 12 month period and where such engine burns gasoline, natural gas, distillate

oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas and that maintain the following records:

- (i) Monthly records that contain the rolling twelve month hours of operation; and
- (ii) Records that show the type of fuel used and the sulfur content (in per cent by weight) of any distillate oil used.

(b) Equipment used for injection and compression molding of resins where:

- (i) The facility does not qualify for the exemption under paragraph (A)(1)(k) or (A)(1)(m) of rule 3745-31-03 of the Administrative Code; and

- (ii) The facility uses no more than 1000 pounds of volatile organic compound in external mold release agents and flatting spray per rolling twelve-month period; and

- (a) The facility uses no thermoset resins and no more than six million pounds of thermoplastic resins (e.g., polyethylene, polypropylene, polycarbonate, and polyvinyl chloride, etc.) per rolling twelve-month period in injection machines at the facility (this type of molding operation involves materials that soften and melt upon heating or pressurization heating with no chemical change and no permanent change in physical properties. It does not involve curing, thermosetting or cross-linking.); or

- (b) The facility uses no thermoplastic resins and no more than five hundred thousand pounds of thermoset resins (e.g., polyesters, polyurethanes, epoxy resins, etc.) per rolling twelve-month period in injection and compression molding machines at the facility (these types of molding operations use a thermoset resin and involve a chemical reaction, usually involving heat, that converts the material (e.g., polyesters, polyurethanes, epoxy resins, etc.) to a solid, insoluble state using a hardening or curing operation.); or

(iii) No more than three tons per year of volatile organic compounds are emitted, including volatile organic compounds from external mold release agents and flattening spray, per rolling twelve-month period from injection and compression molding machines at the facility calculated by using emission factors approved by the Ohio EPA; and

(iv) The facility maintains monthly records that contain the rolling twelve-month usage of thermoplastic resins, thermosetting resins and volatile organic compounds in external mold release agents and flattening spray used in all injection and compression molding machines at the facility, and the Ohio EPA approved emission factors used to calculate the emissions.

(c) **Crushing and screening plants, as defined under 40 CFR part 60 subpart 000:**

(i) Fixed sand and gravel plants and crushed stone plants with capacities, as defined in 60.671, of 23 megagrams per hour (25 tons per hour) or less;

(ii) Portable sand and gravel plants and crushed stone plants with capacities, as defined in 60.671, of 136 megagrams per hour (150 tons per hour) or less;

(iii) Common clay plants and pumice plants with capacities, as defined in 60.671, of 9 megagrams per hour (10 tons per hour) or less; and

(iv) Fixed and portable soil screening plants with capacities, as defined in 60.671, of 136 megagrams per hour (150 tons per hour)

That either employ a baghouse, wet scrubber, water sprays or combination thereof that is designed and operated to emit no more than 10 percent opacity from stack or fugitive emission points, or employs an enclosed design that is designed and operated to emit no more than 15 percent opacity from stack or fugitive emission points, and that maintain the following daily records:

(i) Material through put in tons per day; and

- (ii) Pressure drop readings across the control device as applicable; and
  - (iii) Meter readings of quantities of water used for wet scrubbing and spray applications as applicable; and
  - (iv) Operating hours of the crushing and grinding equipment.
- (D) Soil-vapor extraction remediation activities located at facilities that have total combined emissions rates less than 15 pounds of organic compounds per day are hereby exempted from the permit to install requirements for a period of 18 months from the beginning of vapor extraction activities so long as the owner or operator provides the director with the following information prior to beginning actual construction:
- (i) A description and the location of the remediation site.
  - (ii) A description of the nature and type of contamination at the site.
  - (iii) A description of the vapor extraction processes to be used in the remediation activities.
  - (iv) An estimate of the air contaminant emissions in ppm by volume, pounds per hour and tons per year.
  - (v) A description of the costs of the vapor control equipment to be used to control emissions from the remediation activities.
  - (vi) A description of the projected start date of the remediation project, a list of the project milestones and an estimate of how long the remediation activities will operate.
  - (vii) A notice of when the soil-vapor extraction remediation activities begin, when major project milestones are met and when the remediation activities are completed.
- (E) Soil-liquid extraction remediation activities located at facilities that have total combined emissions rates less than 15 pounds of organic compounds per day are hereby exempted from the permit to install requirements for a period of 18 months from the beginning of the

liquid extraction activities so long as the owner or operator provides the director with the following information prior to beginning actual construction:

- (i) A description and the location of the remediation site.
- (ii) A description of the nature and type of contamination at the site.
- (iii) A description of the liquid extraction and liquid-vapor stripping processes to be used in the remediation activities.
- (iv) An estimate of the air contaminant emissions in ppm by volume, pounds per hour and tons per year.
- (v) A description of the costs of the vapor control equipment to be used to control emissions from the remediation activities.
- (vi) A description of the projected start date of the remediation project, a list of the project milestones and an estimate of how long the remediation activities will operate.
- (vii) A notice of when the soil-liquid extraction remediation activities begin, when major project milestones are met and when the remediation activities are completed.

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Certification: Original signed by Christopher Jones  
Director Ohio Environmental Protection Agency

Date: October 25, 2001

Promulgated under: R.C. Chapter 119

Rule amplifies: R.C. Section 3704.03, 3734.02, 3734.12, 3745.05, 6111.03

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