

## TO BE RESCINDED

3745-35-05

**Permit exemptions and registration status.**

## (A) Permit exemptions:

- (1) Except as otherwise provided in paragraph (A)(3) of this rule, the following air contaminant sources shall not be required to apply for, or obtain, permits-to-operate or variances:
  - (a) Comfort ventilating systems;
  - (b) Incinerators located in dwellings containing six or fewer dwelling units;
  - (c) Sources, located in dwelling units, from which products of combustion are the sole emissions, and which burn oil, natural gas, or other fuel for the production of steam, hot water, or hot air at rates of less than one million British thermal units per hour when operated at the maximum capacity;
  - (d) Gasoline storage tanks, grain dryers and storage silos which are located on farms and used solely for farming activities.
- (2) The exemptions specified within paragraph (A)(1) of this rule shall not relieve any air contaminant source from the responsibility to comply with applicable law, ordinances, rules or regulations of any political subdivision of the state of Ohio.
- (3) If, in the director's judgment, based on a review of mass emission test data, visible emission readings, emission factors, mass balance data, source inspection information, or other pertinent information, a source described in paragraphs (A)(1)(a) to (A)(1)(e) of this rule has violated, may presently be violating, or may in the future violate applicable law, the director shall notify the owner or operator of the source in writing that the source is no longer exempt pursuant to paragraph (A)(1) of this rule. The owner or operator may contest the withdrawal of exemption by filing with the hearing clerk, within thirty days of receipt of the written notification, a request for adjudication hearing. At the close of hearing procedures, the director shall restore the exemption if the owner or operator has demonstrated that the source has not violated, is not presently violating, and will not in the future violate applicable law. Nothing in this paragraph shall be construed as abrogating the compliance responsibility set forth in paragraph (A)(2) of this rule.

## (B) Registration status:

- (1) The director may place an application for a permit-to-operate for an air contaminant source on registration status, rather than issuing a permit-to-operate, if the owner or operator of such source demonstrates to the satisfaction of the director that the source is in compliance with applicable law and if either of the following conditions are met:
  - (a) The source is not subject to any mass emissions limitation or control requirement specified within or pursuant to any applicable law; or
  - (b) The source is subject to a mass emissions limitation or control requirement specified solely within Chapter(s) 3745-17, 3745-18 and/or 3745-21 of the Administrative Code; the maximum potential yearly emissions of lead and organic compounds from the source are each less than five tons; and the maximum potential yearly emissions of particulates and sulfur dioxide from the source are each less than twenty-five tons.
- (2) If an application for a permit-to-operate for an air contaminant source is placed on registration status, the director shall so notify the owner or operator of the source in writing.
- (3) An application for a permit-to-operate for an air contaminant source may remain on registration status until removed in accordance with paragraph (B)(4) of this rule.
- (4) The director may at any time require the owner or operator of an air contaminant source, for which an application for a permit-to-operate has been placed on registration status, to submit an updated application for a permit-to-operate or variance and/or to demonstrate its continued compliance with the requirements of paragraph (B)(1) of this rule. If the owner or operator complies with this request of the director within a reasonable period of time as specified by the director, the updated application shall be processed in accordance with applicable rules, including retention on registration status if appropriate. If the owner or operator fails to comply with this request of the director within a reasonable period of time as specified by the director, the permit-to-operate application previously submitted by such owner or operator for such source shall be removed from registration status and processed in accordance with applicable rules. Any subsequent permit denial or notice of application deficiency shall serve as notice to the owner or operator of the source that their permit-to-operate application for such source has in fact been removed from registration status.

(5) For purposes of paragraph (B)(1) of this rule:

- (a) "Maximum potential yearly emissions" means the total weight of lead, organic compounds, particulates or sulfur dioxide which is, or in the absence of control equipment would be, emitted from an air contaminant source in any one calendar year.
- (b) "Registration status" means that the source may be operated without having obtained a permit-to-operate or variance, and exists upon notification as provided in paragraph (B)(2) of this rule.

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CERTIFIED ELECTRONICALLY

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Certification

06/02/2008

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Date

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