

sufficient to show that the enforcement thereof would be an undue hardship upon such person; and upon such suspension of the whole or any part of such ~~rules~~ RULE or regulation, an exception therefrom shall be granted to such person.

(b) In determining under what conditions and to what extent an exception from such rule or regulation shall be granted, a wide discretion shall be exercised in weighing the equities involved, the advantages and disadvantages to the particular territory or location of the State involved and to the particular operating activity involved that would result from requiring compliance with such rule or regulation or from granting such exception therefrom, and consideration shall be given to any fact that the person who applied for such exception may have been operating an activity over a long period of time prior to the enactment of this subtitle. Due recognition shall be given to the progress which such person may have made during that period in eliminating or preventing air pollution. In such a case, consideration shall be given to the reasonableness of granting an exception, conditioned upon such person's effecting a partial abatement of air pollution or a progressive abatement of air pollution over a period of time considered reasonable under all of the circumstances, especially so in any case where the cost of an immediate and full compliance would be excessive; or other and different requirements may be prescribed with which the person receiving such exception shall comply.

(c) An exception from any such rule or regulation shall be granted and the enforcement thereof shall be suspended as to any person who shall show that any of following conditions exist in the case of such person and the activity which such person operates: (i) that there is not any economically practical and feasible means by which such rule or regulation may be complied with by such person, or none that has been proven to be effective in meeting the requirements thereof; or (ii) that the cost to such person of complying with such rule or regulation, and of the acquisition, installation, operation and maintenance of facilities and equipment with which to accomplish such compliance, would be excessive and out of proportion to the benefits to be obtained thereby; or (iii) that the physical layout of an established and operating plant, building or other premises is such that the installation of the facilities and equipment necessary to a compliance with such rule or regulation by such person could not be accomplished in a practical way; provided, however, that an exception shall not in any event be granted where the person applying therefor is causing or permitting air pollution which constitutes a nuisance affecting public health; and provided, further, that any exception so granted shall not be so construed as to relieve the person receiving the same from any liability imposed by other law for the commission or maintenance of a nuisance.

(d) No exception shall be granted for more than one year, but any exception may be continued from year to year, and shall be continued from year to year so long as any of the conditions specified in subsection (c) shall continue to exist. Any exception may be granted on condition that the person receiving the same shall make reports periodically as to the progress which such person shall have made toward reaching a compliance with such rule or regulation.

(E) NO SUSPENSION OF, OR EXCEPTION TO, ANY RULE OR REGULATION SHALL HAVE THE EFFECT OF EXEMPT-