**Section 245.920 Flaring Waiver**

For wells regulated by this Part:

a) *The Department*, in consultation with the Agency as the Department deems appropriate, *may approve an exemption* request made in writing *that waives the flaring requirements of* Sections 245.900 and 245.910 *only if the permittee demonstrates* to the Department's satisfaction *that the use of the flare will pose a significant risk of injury or property damage and that alternative methods of collection will not threaten harm to* public health, public safety, property, wildlife, aquatic life or *the environment* (Section 1-75(e)(7) of the Act).

b) *In determining whether to approve a waiver, the Department*, in consultation with the Agency as the Department deems appropriate, *shall consider the quantity of casinghead gas produced, the topographical and climatological features at the well site, and the proximity of agricultural structures, crops, inhabited structures, public buildings, and public roads and railways* (Section 1-75(e)(7) of the Act).

c) The Department, in consultation with the Agency as the Department deems appropriate, shall provide the permittee with a written decision.