

DRAFT FINAL-FORM RULEMAKING
Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P.S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Synthesized pharmaceutical manufacturing—Manufacture of pharmaceutical products by chemical synthesis.

Synthetic minor facility—An air contamination source subject to Federally enforceable conditions that limit the facility's potential to emit to less than the major facility thresholds specified in the definition of “Title V facility.”

TPY—Tons per year.

* * * * *

**CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND
OPERATION OF SOURCES**

Subchapter F. OPERATING PERMIT REQUIREMENTS

REVIEW OF APPLICATIONS

§ 127.424. Public notice.

(a) Except as provided in § 127.462 (relating to minor operating permit modifications), the Department will prepare a notice of action to be taken on applications for an operating permit.

(b) For sources identified in § ~~[127.44(a)(1)—(4)]~~ 127.44(b)(1)—(5) (relating to public notice), the notice required by subsection (a) will be completed and sent to the applicant, the EPA, any state within 50 miles of the facility and any state whose air quality may be affected and that is contiguous to this Commonwealth. The applicant shall, within 10 days of receipt of notice, publish the notice on at least 3 separate days in a prominent place and size in a newspaper of general circulation in the county in which the source is to be located. Proof of the publication shall be filed with the Department within 1 week thereafter. An operating permit will not be issued by the Department if the applicant fails to submit the proof of publication. The Department will publish notice for the sources identified in § ~~[127.44(a),]~~ 127.44(b) in the *Pennsylvania Bulletin*.

(c) If the Department denies an operating permit, written notice of the denial will be given to requestors and to the applicant and will be published in the *Pennsylvania Bulletin*.

(d) In each case, the Department will publish notices required in subsection (a) in the *Pennsylvania Bulletin*.

(e) The notice will state, at a minimum, the following:

(1) The location at which the application may be reviewed. This location shall be in the region affected by the application.

(2) A 30-day comment period, from the date of publication, will exist for the submission of comments.

(3) Permits issued to sources identified in § [127.44(a)(1)—(4)] ~~127.44(b)(1)—(5)~~ or permits issued to sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may become a part of the SIP and will be submitted to the EPA for review and approval.

OPERATING PERMIT MODIFICATIONS

(Editor's Note: The following section is proposed to be added and is printed in regular type to enhance readability.)

§ 127.465. Significant operating permit modification procedures.

(a) The owner or operator of a stationary air contamination source or facility may make a significant modification to an applicable operating permit under this section.

(b) Significant operating permit modifications must meet the requirements of this chapter, including §§ 127.424 and 127.425 (relating to public notice; and contents of notice).

(c) The owner or operator of the facility shall submit to the Department, on a form provided by or approved by the Department, a brief description of the change, the date on which the change is to occur and the proposed language for revising the operating permit conditions proposed to be changed.

(d) Unless precluded by the Clean Air Act or the regulations thereunder, the permit shield described in § 127.516 (relating to permit shield) shall extend to an operational flexibility change authorized by this section.

(e) The Department will take final action on the proposed change WITHIN 180 DAYS OF RECEIPT OF THE COMPLETE APPLICATION for the significant OPERATING PERMIT modification of the applicable operating permit and, after taking final action, will publish notice of the action in the *Pennsylvania Bulletin*.

Subchapter I. PLAN APPROVAL AND OPERATING PERMIT FEES

§ 127.702. Plan approval fees.

(a) Each applicant for a plan approval shall, as part of the plan approval application, submit the application [fee] **fees** required by this section to the Department. **The applicable fees required under subsections (b)—(h) are cumulative.**

(b) [Except as provided in subsections (c)—(g)] **The owner or operator of** a source requiring approval under Subchapter B (relating to plan approval requirements) shall pay a fee equal to:

[(1) Seven hundred fifty dollars for applications filed during the 1995—1999 calendar years.

(2) Eight hundred fifty dollars for applications filed during the 2000—2004 calendar years.

(3) (1) One thousand dollars (\$1,000) for applications filed [for the calendar years beginning in 2005] during calendar years 2005—2020.

(2) Two thousand five hundred dollars (\$2,500) for applications filed during calendar years 2021—2025.

(3) Three thousand one hundred dollars (\$3,100) for applications filed during calendar years 2026—2030.

(4) Three thousand nine hundred dollars (\$3,900) for applications filed for the calendar years beginning with 2031.

(c) [A] **The owner or operator of a** source requiring approval under Subchapter E (relating to new source review) shall pay a fee equal to:

[(1) Three thousand five hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Four thousand three hundred dollars for applications filed during the 2000—2004 calendar years.

(3) (1) Five thousand three hundred dollars (\$5,300) for applications filed [beginning in 2005] during calendar years 2005—2020.

(2) Seven thousand five hundred dollars (\$7,500) for applications filed during calendar years 2021—2025.

(3) Nine thousand four hundred dollars (\$9,400) for applications filed during calendar years 2026—2030.

(4) Eleven thousand eight hundred dollars (\$11,800) for applications filed for the calendar years beginning with 2031.

(d) [A] **The owner or operator of a** source subject to **and requiring approval under** standards adopted under Chapter 122 (relating to national standards of performance for new stationary sources) [or to standards adopted under], Chapter 124 (relating to national emission standards

for hazardous air pollutants) or § 127.35(b) (relating to maximum achievable control technology standards for hazardous air pollutants) shall pay [a] the specified fee for each applicable standard up to and including three applicable standards per plan approval application. Applicants that have more than three applicable standards shall pay the fee for a maximum of three standards. The Department's permitting review will include all applicable standards. The fee for each applicable standard is equal to:

[(1) One thousand two hundred dollars for applications filed during the 1995—1999 calendar years.

(2) One thousand four hundred dollars for applications filed during the 2000—2004 calendar years.

(3) (1) One thousand seven hundred dollars (\$1,700) for applications filed beginning [in 2005] (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking, WHEN PUBLISHED AS A FINAL-FORM RULEMAKING.*) through calendar year 2020.

(2) Two thousand five hundred dollars (\$2,500) for applications filed during calendar years 2021—2025.

(3) Three thousand one hundred dollars (\$3,100) for applications filed during calendar years 2026—2030.

(4) Three thousand nine hundred dollars (\$3,900) for applications filed for the calendar years beginning with 2031.

(e) [A] The owner or operator of a source subject to and requiring approval under § 127.35(c), (d) or (h) [(relating to maximum achievable control technology standards for hazardous air pollutants)] shall pay a fee equal to:

[(1) Five thousand five hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Six thousand seven hundred dollars for applications filed during the 2000—2004 calendar years.

(3) (1) Eight thousand dollars (\$8,000) for applications filed [beginning in 2005] during calendar years 2005—2020.

(2) Nine thousand five hundred dollars (\$9,500) for applications filed during calendar years 2021—2025.

(3) Eleven thousand nine hundred dollars (\$11,900) for applications filed during calendar years 2026—2030.

(4) Fourteen thousand nine hundred dollars (\$14,900) for applications filed for the calendar years beginning with 2031.

(f) [A] **The owner or operator of a** source requiring approval under Subchapter D (relating to prevention of significant deterioration of air quality) shall pay a fee equal to:

[(1) Fifteen thousand dollars for applications filed during the 1995—1999 calendar years.

(2) Eighteen thousand five hundred dollars for applications filed during the 2000—2004 calendar years.

[3] (1) Twenty-two thousand seven hundred dollars (\$22,700) for applications filed [beginning in 2005] during calendar years 2005—2020.

(2) Thirty-two thousand five hundred dollars (\$32,500) for applications filed during calendar years 2021—2025.

(3) Forty thousand six hundred dollars (\$40,600) for applications filed during calendar years 2026—2030.

(4) Fifty thousand eight hundred dollars (\$50,800) for applications filed for the calendar years beginning with 2031.

(g) [Except as provided in subsection (h), the source proposing a minor modification of a plan approval, extension of a plan approval, and transfer of a plan approval due to a change of ownership, shall pay a fee equal to:

(1) Two hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Two hundred thirty dollars for applications filed during the 2000—2004 calendar years.

(3) Three hundred dollars for applications filed beginning in 2005.]

The owner or operator of a source that submits a plan approval application for a PAL permit under § 127.218(b) (relating to PALs), to cease a PAL permit under § 127.218(j) or to increase a PAL under § 127.218(l) shall pay a fee equal to:

(1) Seven thousand five hundred dollars (\$7,500) for applications filed during calendar years 2020—2025.

(2) Nine thousand four hundred dollars (\$9,400) for applications filed during calendar years 2026—2030.

(3) Eleven thousand eight hundred dollars (\$11,800) for applications filed for the calendar years beginning with 2031.

(h) [The modification of a plan approval that includes the reassessment of a control technology determination or of the ambient impacts of the source will not be considered a minor modification of the plan approval.] **The owner or operator of a source proposing a PAL under Subchapter D that is not included in an application submitted under subsection (f) or subsection (g) shall pay a fee equal to:**

(1) Seven thousand five hundred dollars (\$7,500) for applications filed during calendar years 2020—2025.

(2) Nine thousand four hundred dollars (\$9,400) for applications filed during calendar years 2026—2030.

(3) Eleven thousand eight hundred dollars (\$11,800) for applications filed for the calendar years beginning with 2031.

(i) [The Department may establish application fees for general plan approvals and plan approvals for sources operating at multiple temporary locations which will not be greater than the fees established by subsection (b). These fees shall be established at the time the plan approval is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice and review period).] The owner or operator of a source proposing a minor modification of a plan approval, an extension of a plan approval or a transfer of a plan approval due to a change of ownership shall pay the fee in paragraph (1) or paragraph (2) as applicable.

(1) An applicant for a minor modification of a plan approval may not include an increase in emissions, an analysis of the ambient impacts of the source or a reassessment of a control technology determination. The applicant shall do all of the following:

(i) Meet the applicable requirements of § 127.44 (relating to public notice).

(ii) Pay a fee equal to:

(A) Three hundred dollars (\$300) for applications filed during calendar years 2005—2020.

(B) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(C) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(D) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(2) An applicant for an extension of a plan approval or a transfer of a plan approval due to a change of ownership shall pay a fee equal to:

(i) Three hundred dollars (\$300) for applications filed during calendar years 2005—2020.

(ii) Seven hundred fifty dollars (\$750) for applications filed during calendar years 2021—2025.

(iii) Nine hundred dollars (\$900) for applications filed during calendar years 2026—2030.

(iv) One thousand one hundred dollars (\$1,100) for applications filed for the calendar years beginning with 2031.

(3) THE FEE FOR AN EXTENSION OF A PLAN APPROVAL WILL NOT APPLY IF, THROUGH NO FAULT OF THE APPLICANT, AN EXTENSION IS REQUIRED.

(j) The owner or operator of a source proposing a revision to a plan approval application submitted by the applicant that includes one or more of the following changes after the Department has completed its technical review shall pay the fee in paragraph (1) or paragraph (2) as applicable.

(1) For an analysis of the ambient impacts of the source, a fee equal to:

(i) Nine thousand dollars (\$9,000) for applications filed during calendar years 2020—2025.

(ii) Eleven thousand three hundred dollars (\$11,300) for applications filed during calendar years 2026—2030.

(iii) Fourteen thousand one hundred dollars (\$14,100) for applications filed for the calendar years beginning with 2031.

(2) For a reassessment of a control technology determination, the applicable fee under subsection (b).

(k) THE OWNER OR OPERATOR OF A SOURCE APPLYING FOR A RISK ASSESSMENT SHALL, AS PART OF THE PLAN APPROVAL APPLICATION, PAY THE FEE IN PARAGRAPH (1) OR PARAGRAPH (2) AS APPLICABLE.

(1) FOR A RISK ASSESSMENT THAT IS INHALATION ONLY FOR ALL MODELING, A FEE EQUAL TO:

(i) TEN THOUSAND DOLLARS (\$10,000) FOR APPLICATIONS FILED DURING CALENDAR YEARS 2020—2025.

(ii) TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500) FOR APPLICATIONS FILED DURING CALENDAR YEARS 2026—2030.

(iii) FIFTEEN THOUSAND SIX HUNDRED DOLLARS (\$15,600) FOR APPLICATIONS FILED FOR THE CALENDAR YEARS BEGINNING WITH 2031.

(2) FOR A MULTIPATHWAY RISK ASSESSMENT, A FEE EQUAL TO:

(i) TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR APPLICATIONS FILED DURING CALENDAR YEARS 2020—2025.

(ii) THIRTY-ONE THOUSAND THREE HUNDRED DOLLARS (\$31,300) FOR APPLICATIONS FILED DURING CALENDAR YEARS 2026—2030.

(iii) THIRTY-NINE THOUSAND ONE HUNDRED DOLLARS (\$39,100) FOR APPLICATIONS FILED FOR THE CALENDAR YEARS BEGINNING WITH 2031.

§ 127.703. Operating permit fees under Subchapter F.

(a) Each applicant for an operating permit, which is not **for** a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required by this section to the Department. **[These fees apply to the extension, modification, revision, renewal and reissuance of each operating permit or part thereof.]**

(b) **[The fee for processing an application for an operating permit is:] Each applicant subject to subsection (a) shall pay a fee equal to the following, as applicable. These fees apply to the application for a new operating permit and for the renewal and reissuance, modification or administrative amendment of an operating permit or part thereof or to a transfer of an operating permit due to a change of ownership.**

[(1) Two hundred fifty dollars for applications filed during the 1995—1999 calendar years.

(2) Three hundred dollars for applications filed during the 2000—2004 calendar years.

(3) (1) For a new operating permit:

(i) Three hundred seventy-five dollars (\$375) for applications filed [for the calendar years beginning in 2005] during calendar years 2005—2020.

(ii) Two thousand five hundred dollars (\$2,500) for applications filed during calendar years 2021—2025.

(iii) Three thousand one hundred dollars (\$3,100) for applications filed during calendar years 2026—2030.

(iv) Three thousand nine hundred dollars (\$3,900) for applications filed for the calendar years beginning with 2031.

(2) For a renewal and reissuance of an operating permit or part thereof:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) Two thousand one hundred dollars (\$2,100) for applications filed during calendar years 2021—2025.

(iii) Two thousand six hundred dollars (\$2,600) for applications filed during calendar years 2026—2030.

(iv) Three thousand three hundred dollars (\$3,300) for applications filed for the calendar years beginning with 2031.

(3) For a minor modification of an operating permit or part thereof:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(iii) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(iv) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(4) For a significant modification of an operating permit or part thereof:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) Two thousand dollars (\$2,000) for applications filed during calendar years 2021—2025.

(iii) Two thousand five hundred dollars (\$2,500) for applications filed during calendar years 2026—2030.

(iv) Three thousand one hundred dollars (\$3,100) for applications filed for the calendar years beginning with 2031.

(5) For an administrative amendment of an operating permit or part thereof or a transfer of an operating permit due to a change of ownership:

(i) Three hundred seventy-five dollars (\$375) for applications filed during calendar years 2005—2020.

(ii) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(iii) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(iv) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(c) [The annual operating permit administration fee is:] For applications filed through calendar year _____ (Editor's Note: The blank refers to the year of the effective date of adoption of this proposed rulemaking, WHEN PUBLISHED AS A FINAL-FORM RULEMAKING.), each applicant subject to subsection (a) shall pay the annual operating permit administration fee of three hundred seventy-five dollars (\$375).

[1] Two hundred fifty dollars for applications filed during the 1995—1999 calendar years.

(2) Three hundred dollars for applications filed during the 2000—2004 calendar years.

(3) Three hundred seventy-five dollars for applications filed during the years beginning in 2005.]

(d) [The Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations which will not be greater than the fees established by this section. These fees shall be established at the time the operating permit is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice and review period).] Beginning (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking, WHEN PUBLISHED AS A FINAL-FORM RULEMAKING.), each applicant subject to subsection (a) shall pay the annual operating permit maintenance fee in paragraph (1) or paragraph (2) on or before December 31 of each year for the next calendar year.

(1) For a synthetic minor facility, a fee equal to:

(i) ~~Two thousand five hundred dollars (\$2,500)~~ FOUR THOUSAND DOLLARS (\$4,000) for calendar years 2021—2025.

(ii) ~~Three thousand one hundred dollars (\$3,100)~~ FIVE THOUSAND DOLLARS (\$5,000) for calendar years 2026—2030.

(iii) ~~Three thousand nine hundred dollars (\$3,900)~~ SIX THOUSAND TWO HUNDRED DOLLARS (\$6,200) for the calendar years beginning with 2031.

(2) For a facility that is not a synthetic minor, a fee equal to:

(i) Two thousand dollars (\$2,000) for calendar years 2021—2025.

(ii) Two thousand five hundred dollars (\$2,500) for calendar years 2026—2030.

(iii) Three thousand one hundred dollars (\$3,100) for the calendar years beginning with 2031.

§ 127.704. Title V operating permit fees under Subchapter G.

(a) Each applicant for an operating permit, which is for a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required by this section to the Department. [These fees apply to the extension, modification, revision, renewal and reissuance of each operating permit or part thereof.]

(b) [The fee for processing an application for an operating permit is:] Each applicant subject to subsection (a) shall pay a fee equal to the following, as applicable. These fees apply to the application for a new operating permit and for the renewal and reissuance, modification or administrative amendment of an operating permit or part thereof or a transfer of an operating permit due to a change of ownership.

[(1) Five hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Six hundred fifteen dollars for applications during the 2000—2004 calendar years.

(3)] (1) For a new operating permit:

(i) Seven hundred fifty dollars (\$750) for applications filed during [the calendar years beginning in 2005] calendar years 2005—2020.

(ii) Five thousand dollars (\$5,000) for applications filed during calendar years 2021—2025.

(iii) Six thousand three hundred dollars (\$6,300) for applications filed during calendar years 2026—2030.

(iv) Seven thousand nine hundred dollars (\$7,900) for applications filed for the calendar years beginning with 2031.

(2) For a renewal and reissuance of an operating permit or part thereof:

(i) ~~Three hundred seventy five dollars (\$375)~~ SEVEN HUNDRED FIFTY DOLLARS (\$750) for applications filed during calendar years 2005—2020.

(ii) Four thousand dollars (\$4,000) for applications filed during calendar years 2021—2025.

(iii) Five thousand dollars (\$5,000) for applications filed during calendar years 2026—2030.

(iv) Six thousand three hundred dollars (\$6,300) for applications filed for the calendar years beginning with 2031.

(3) For a minor modification of an operating permit or part thereof:

(i) ~~Three hundred seventy five dollars (\$375)~~ SEVEN HUNDRED FIFTY DOLLARS (\$750) for applications filed during calendar years 2005—2020.

(ii) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(iii) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(iv) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(4) For a significant modification of an operating permit or part thereof:

(i) ~~Three hundred seventy five dollars (\$375)~~ SEVEN HUNDRED FIFTY DOLLARS (\$750) for applications filed during calendar years 2005—2020.

(ii) Four thousand dollars (\$4,000) for applications filed during calendar years 2021—2025.

(iii) Five thousand dollars (\$5,000) for applications filed during calendar years 2026—2030.

(iv) Six thousand three hundred dollars (\$6,300) for applications filed for the calendar years beginning with 2031.

(5) For an administrative amendment of an operating permit or part thereof or a transfer of an operating permit due to a change of ownership:

(i) ~~Three hundred seventy five dollars (\$375)~~ SEVEN HUNDRED FIFTY DOLLARS (\$750) for applications filed during calendar years 2005—2020.

(ii) One thousand five hundred dollars (\$1,500) for applications filed during calendar years 2021—2025.

(iii) One thousand nine hundred dollars (\$1,900) for applications filed during calendar years 2026—2030.

(iv) Two thousand four hundred dollars (\$2,400) for applications filed for the calendar years beginning with 2031.

(c) [The annual operating permit administration fee to be paid by a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions) is:] Each applicant subject to subsection (a) that is the owner or operator of a facility identified in subparagraph (iv) of the definition of Title V facility in § 121.1 (relating to definitions) shall pay the annual operating permit administration fee of seven hundred fifty dollars (\$750) for applications filed through calendar year _____ (Editor's Note: The blank refers to the year of the effective date of adoption of this proposed rulemaking, WHEN PUBLISHED AS A FINAL-FORM RULEMAKING.).

[(1) Six hundred fifteen dollars for applications filed during the 2000—2004 calendar years.

(2) Seven hundred fifty dollars for applications filed during the years beginning in 2005.]

(d) [The Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations which will not be greater than the fees established by this section. These fees shall be established at the time the operating permit is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice and review period).] Beginning (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking, WHEN PUBLISHED AS A FINAL-FORM RULEMAKING.), each applicant subject to subsection (a) shall pay the annual operating permit maintenance fee. The annual

operating permit maintenance fee is due on or before December 31 of each year for the next calendar year and is equal to:

(1) ~~Ten thousand dollars (\$10,000)~~ EIGHT THOUSAND DOLLARS (\$8,000) for calendar years 2021—2025.

(2) ~~Twelve thousand five hundred dollars (\$12,500)~~ TEN THOUSAND DOLLARS (\$10,000) for calendar years 2026—2030.

(3) ~~Fifteen thousand six hundred dollars (\$15,600)~~ TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500) for the calendar years beginning with 2031.

(e) The owner or operator of a source that submits an application for a PAL permit under § 127.218(b) (relating to PALs), to cease a PAL permit under § 127.218(j) or to increase a PAL under § 127.218(l) shall pay a fee equal to:

(1) Ten thousand dollars (\$10,000) for applications filed during calendar years 2020—2025.

(2) Twelve thousand five hundred dollars (\$12,500) for applications filed during calendar years 2026—2030.

(3) Fifteen thousand six hundred dollars (\$15,600) for applications filed for the calendar years beginning with 2031.

(f) The owner or operator of a source proposing a PAL under Subchapter D that is not included in an application submitted under subsection ~~(d)~~ (E) shall pay a fee equal to:

(1) Ten thousand dollars (\$10,000) for applications filed during calendar years 2020—2025.

(2) Twelve thousand five hundred dollars (\$12,500) for applications filed during calendar years 2026—2030.

(3) Fifteen thousand six hundred dollars (\$15,600) for applications filed for the calendar years beginning with 2031.

§ 127.705. Emission fees.

(a) The owner or operator of a Title V facility including a Title V facility located in Philadelphia County or Allegheny County, except a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions), shall pay an annual Title V emission fee of \$85 per ton for each ton of a regulated pollutant actually emitted from the facility. The owner or operator will not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the facility. The owner or operator of a Title V facility located in Philadelphia County or Allegheny County shall pay the emission fee to the county Title V program approved by the Department under section 12 of the act (35 P.S. § 4012) and § 127.706 (relating to Philadelphia County and Allegheny County financial assistance).

(b) The emissions fees required by this section shall be due on or before September 1 of each year for emissions from the previous calendar year. The fees required by this section shall be paid for emissions occurring in calendar year 2013 and for each calendar year thereafter.

(c) As used in this section, the term "regulated pollutant" means a VOC, each pollutant regulated under sections 111 and 112 of the Clean Air Act (42 U.S.C.A. §§ 7411 and 7412) and each pollutant for which a National ambient air quality standard has been promulgated, except that carbon monoxide shall be excluded from this reference.

(d) The emission fee imposed under subsection (a) shall be increased in each calendar year after December 14, 2013, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year.

(e) For purposes of **[this]** subsection **(d)**:

(1) The Consumer Price Index for a calendar year is the average of the Consumer Price Index for All-Urban Consumers, published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

(2) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(Editor's Note: The following sections are proposed to be added and are printed in regular type to enhance readability.)

§ 127.708. Risk assessment.

(a) Each applicant for a risk assessment shall, as part of the plan approval application, submit the application fee required by this section to the Department.

(b) The owner or operator of a source applying for a risk assessment that is inhalation only for all modeling shall pay a fee equal to:

(1) Ten thousand dollars (\$10,000) for applications filed during calendar years 2020—2025.

(2) Twelve thousand five hundred dollars (\$12,500) for applications filed during calendar years 2026—2030.

(3) Fifteen thousand six hundred dollars (\$15,600) for applications filed for the calendar years beginning with 2031.

(c) The owner or operator of a source applying for a multipathway risk assessment shall pay a fee equal to:

(1) Twenty five thousand dollars (\$25,000) for applications filed during calendar years 2020—2025.

~~(2) Thirty one thousand three hundred dollars (\$31,300) for applications filed during calendar years 2026—2030.~~

~~(3) Thirty nine thousand one hundred dollars (\$39,100) for applications filed for the calendar years beginning with 2031.~~

~~§ 127.709. § 127.708. Asbestos abatement or regulated demolition or renovation project notification.~~

~~(a) An owner or operator of an asbestos abatement or regulated demolition or renovation project that is subject to 40 CFR Part 61, Subpart M (relating to National emission standards for hazardous air pollutants) or the Asbestos Occupations Accreditation and Certification Act (Act 1990-194) (63 P.S. §§ 2101—2112) and which is not located in Philadelphia County or Allegheny County shall submit to the Department with the required notification form a fee equal to:~~

~~(1) Three hundred dollars (\$300) for forms filed during calendar years 2020—2025.~~

~~(2) Four hundred dollars (\$400) for forms filed during calendar years 2026—2030.~~

~~(3) Five hundred dollars (\$500) for forms filed for the calendar years beginning with 2031.~~

~~(b) THE DEPARTMENT WILL WAIVE THE FEE FOR A SUBSEQUENT NOTIFICATION FORM SUBMITTED FOR THE ASBESTOS ABATEMENT OR REGULATED DEMOLITION OR RENOVATION PROJECT.~~

~~§ 127.710. § 127.709. Fees for requests for determination.~~

~~The owner or operator of a source subject to this chapter that submits a request for determination under § 127.14 (relating to exemptions) for a plan approval, an operating permit or for both a plan approval and an operating permit shall pay the applicable fee specified in paragraph (1) or paragraph (2):~~

~~(1) The owner or operator of a source that meets the definition of small business stationary source set forth in section 3 of the act (35 P.S. § 4003) shall pay a fee equal to:~~

~~(i) Four hundred dollars (\$400) for requests for determination filed during calendar years 2020—2025.~~

~~(ii) Five hundred dollars (\$500) for requests for determination filed during calendar years 2026—2030.~~

~~(iii) Six hundred dollars (\$600) for requests for determination filed for the calendar years beginning with 2031.~~

~~(2) The owner or operator of a source that does not meet the criterion in paragraph (1) shall pay a fee equal to:~~

(i) Six hundred dollars (\$600) for requests for determination filed during calendar years 2020—2025.

(ii) Eight hundred dollars (\$800) for requests for determination filed during calendar years 2026—2030.

(iii) One thousand dollars (\$1,000) for requests for determination filed for the calendar years beginning with 2031.

§ 127.711. Fees for claims of confidential information.

(a) A person submitting information to the Department under this chapter who requests that all or part of that information be kept confidential under section 13.2 of the act (35 P.S. § 4013.2) shall include with the request for confidentiality a fee equal to:

—(1) Three hundred dollars (\$300) for requests filed during calendar years 2020—2025.

—(2) Four hundred dollars (\$400) for requests filed during calendar years 2026—2030.

—(3) Five hundred dollars (\$500) for requests filed for the calendar years beginning with 2031.

(b) The Department will review the request for confidentiality submitted under subsection (a) in accordance with the procedures specified in section 13.2 of the act (35 P.S. § 4013.2).

§ 127.712. § 127.710. Fees for the use of general plan approvals and general operating permits under Subchapter H.

The Department may establish application fees for the use of general plan approvals and general operating permits under Subchapter H (relating to general plan approvals and operating permits) for stationary or portable sources. These application fees will be established when the general plan approval or general operating permit is issued or modified by the Department. These application fees will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice and review period).