

Commonwealth of Pennsylvania



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

**State Implementation Plan Revision
Sections 110(a)(1) and 110(a)(2) Requirements for the
2008 Lead National Ambient Air Quality Standard**

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Background

On October 15, 2008, the U.S. Environmental Protection Agency (EPA) promulgated revisions to the primary and secondary lead national ambient air quality standards (NAAQS). These standards were lowered from 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 0.15 $\mu\text{g}/\text{m}^3$ (73 FR 66964 (Nov. 12, 2011)). Section 110 of the Federal Clean Air Act (CAA), 42 U.S.C.A. § 7410, requires states to develop State Implementation Plan (SIP) revisions and programs to meet the NAAQS established by EPA to protect public health and welfare. Section 110 of the CAA also prescribes general elements for the implementation of SIPs. Sections 110(a)(1) and 110(a)(2) of the CAA (42 U.S.C.A. § 7410(a)(1) and (2)), require states to submit SIP revisions to the EPA Administrator that provide for implementation, maintenance and enforcement of the NAAQS. This SIP revision, generally referred to as the “Infrastructure SIP,” describes basic elements, including ambient air quality monitoring, emission inventories, enforcement of control measures, modeling, monitoring, nonattainment new source review, prevention of significant deterioration and stationary source monitoring, designed to assure attainment and maintenance of the 2008 lead NAAQS. States are required to submit these Infrastructure SIP revisions to EPA three years from the date a new or revised NAAQS is signed by the EPA Administrator.

Sections 110(a)(1) and 110(a)(2) of the CAA, 42 U.S.C. §110(a)(1) and 110(a)(2), describe how states are to implement, maintain and enforce a NAAQS. This Infrastructure SIP revision fulfills the requirements of sections 110(a)(1) and 110(a)(2) set forth herein for the 2008 NAAQS for lead published by the EPA on November 12, 2008 (73 FR 66964). Once approved by EPA, the SIP revision will provide a federally enforceable plan of how the Commonwealth will comply with the requirements of sections 110(a)(1) and 110(a)(2) of the CAA set forth herein for the 2008 Lead NAAQS.

Legislative authority for the Pennsylvania air quality program relating to the responsibilities in the CAA is codified in the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 4001 – 4015 (APCA), including in section 4 of the APCA, which gives the Pennsylvania Department of Environmental Protection (Department) the power and duty to implement the provisions of the CAA in the Commonwealth. 35 P.S. § 4004(1).

Requirements for a public comment process are set forth in section 110(a)(2) of the CAA and 40 CFR 51.102(d). A public comment period was provided from June 9, 2012 through July 13, 2012. A public hearing was conducted on July 10, 2012, at which no one testified. A copy of the comment and response document is included with this SIP revision.

Certification

Pursuant to section 110(a)(1) of the CAA, the Commonwealth of Pennsylvania has reviewed applicable provisions in the Air Pollution Control Act, its implementing regulatory provisions in the Pennsylvania Code and local ordinances and regulations in Philadelphia and Allegheny counties and the State Implementation Plan. The Department hereby certifies, based on the applicable statutory and regulatory authority set forth in Table 1 (relating to Pennsylvania's Statutory and Regulatory Provisions Pertaining to the Clean Air Act Section 110(a)(2) Requirements for the 2008 lead NAAQS) that Pennsylvania's SIP adequately provides for the implementation, maintenance and enforcement of the elements set forth in section 110(a)(2)(A)-(M) of the CAA pertinent to the implementation of the 2008 lead NAAQS.

**Table 1. Pennsylvania’s Statutory and Regulatory Provisions Pertaining to the Clean Air Act Section 110(a)(2) Requirements
for the 2008 Lead NAAQS**

Clean Air Act Section	SIP Requirement <i>Each implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. Each plan shall-</i>	Applicable Pennsylvania Statutes and Regulations
§110(a)(2)(A)	<i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this chapter.</i>	<p>The Commonwealth’s enforceable emission limitations and other control measures are authorized under the Air Pollution Control Act (APCA), 35 P.S. §§ 4001-4015), and implementing regulations in Title 25 of the Pennsylvania Code Article III (relating to air resources), Chapters 121-145 (25 Pa. Code Chapters 121-145), 67 Pa. Code Chapters 175 – 177 (codified in in 40 CFR §52.2020(c)(1), Allegheny County Health Department (ACHD) Regulations, Parts A through I to Articles XX and XXI listed in 40 CFR 52.2020(c)(2), Philadelphia Title 3 Air Management Code and Philadelphia AMS Regulations I, II, III, IV, V, VII, VIII, XI, and XIII listed in 40 CFR 52.2020(c)(3), and source specific provisions codified at 40 CFR 52.2020(d)(1) and (2). Any specific emission limitations included in previously approved permits (prior to this SIP revision submittal) regarding startup, shutdown and malfunctions that are inconsistent with the court’s decision in Sierra Club v. EPA, 551F.3rd 1019 (D.C. Cir 2008) are not being certified as meeting this requirement.</p> <p>The regulations in the Pennsylvania Code are duly adopted by the Pennsylvania Environmental Quality Board (EQB). Where these provisions relate to requirements of section 110 of the Clean Air Act (CAA), State Implementation Plan (SIP) revisions have been submitted to and approved by EPA. EPA-approved SIP revisions for Pennsylvania are codified at 40 CFR part 52, subpart NN. The Commonwealth has an EPA-approved air quality permitting program for plan approval (construction permits), operating permits (for both major and minor facilities) which ensures that all applicable requirements are included in the federally enforceable plan approvals and operating permits. The DEP also</p>

<p>§110(a)(2)(A) (Continued)</p>		<p>implements and enforces a federally enforceable general plan approval and general operating permit program.</p> <p>The federally enforceable programs are codified at 40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3), 52.2020(d), 52.2061, 52.2062, 52.2063 and 40 CFR Part 70, Appendix A.</p>
<p>§110(a)(2)(B)</p>	<p><i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to</i></p> <p><i>(i) monitor, compile, and analyze data on ambient air quality, and</i></p> <p><i>(ii) upon request, make such data available to the Administrator;</i></p>	<p>Ambient air quality monitoring data system. Section 4(17) of the APCA, 35 P.S. § 4004, authorizes DEP to “determine by means of field studies and sampling the degree of air pollution existing in any part of the Commonwealth.” DEP establishes, operates, and maintains a network of ambient air monitors throughout Pennsylvania, excluding Philadelphia and Allegheny Counties. Philadelphia Air Management Services (AMS) operates its monitoring network as a Pennsylvania approved program under Section 12 of APCA, 35 P.S. § 4012, and the terms of the “Agreement for Implementation of the Philadelphia County Air Pollution Control Program,” dated September 30, 2010. The Allegheny County Health Department (ACHD) operates its monitoring network as a Pennsylvania approved program under Section 12 of the APCA and the terms of the “Agreement for Implementation of the Allegheny County Air Pollution Control Program,” dated October 31, 1998. These agreements address data collection, data access and reporting.</p> <p>The Pennsylvania ambient monitoring network (DEP and local agencies) consists only of lead monitors that have been designated by EPA as either Reference or Equivalent monitors. All ambient air monitors are subjected to the Quality Assurance requirements of 40 CFR Part 58, Appendix A. In addition, all samplers are located at sites that have met the minimum siting requirements of Part 58, Appendix E.</p> <p>As required in 40 CFR Section 58.10, an annual network design plan is required to be submitted to the EPA Regional Administrator by July 1 of each year. The network design document informs both EPA and the public of any planned changes to the sampling network for the next year. The annual network design plan provides a description of the current monitoring network, a reason for each change, and any other information relevant to the change. DEP provides a 30-day public comment period for the annual network design plan. In addition, DEP and the local air agencies provide EPA Region III with prior</p>

<p>§110(a)(2)(B) (continued)</p>		<p>notification of any planned changes to the network between formal network design submissions. As needed, details of these changes are communicated to and approved by EPA.</p> <p>In accordance with the original Lead Ambient Air Monitoring Requirements, promulgated November 12, 2008 (73 FR 66964), monitoring equipment was installed in association with twelve facilities emitting more than one ton of lead per year (Horsehead Monaca and Bruce Mansfield power plant in Beaver County; East Penn and Exide in Berks County; Exelon Eddystone power plant in Delaware County; U.S. Army at Letterkenny in Franklin County; Keystone power plant in Indiana County; Inmetco in Lawrence County; Schott in Luzerne County; Conemaugh power plant in Westmoreland County; and Bridgeville Glass and Allegheny Ludlum in Allegheny County). These monitoring stations were installed and operational by January 1, 2010. In accordance with the Revisions to the Lead Ambient Air Monitoring Requirements, promulgated December 27, 2010 (75 FR 81126), seven facilities were identified as emitting more than 0.5 tons per year in Pennsylvania. Monitoring equipment has been installed at two locations (Mt. Joy Wire in Lancaster County and Horsehead Palmerton in Carbon County). These lead monitoring stations were installed and operational by May 24, 2012. EPA has issued waivers for the remaining facilities. Those facilities are: EME Homer City in Indiana County, Allegheny Energy Hatfield in Fayette County, Allegheny Ludlum in Westmoreland County and PPL Montour in Montour County. Waivers were issued for these facilities either because there were no modeled impacts from these facilities or the area of modeled impacts fell in non-populated areas.</p> <p>DEP and the local air pollution control agencies in Philadelphia and Allegheny counties collect and report to EPA all ambient air quality data for SO₂, CO, O₃, NO₂, lead, PM₁₀, and PM_{2.5}. The reports comply with the federal requirements of 40 CFR 58.35. As necessary, the submitted data is reviewed, edited, validated, and entered into the EPA air quality system (AQS) for updating pursuant to prescribed AQS procedures. The EPA AQS receives each report within 90 days after the end of the quarterly reporting period.</p> <p>DEP analyzes such air quality data (including data from the local agencies) to determine attainment status or progress.</p>
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<p>§110(a)(2)(C)</p>	<p><i>include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter.</i></p>	<p>Program for enforcement of control measures. Sections 4 and 8 of the APCA, 35 P.S. §§ 4004 and 4008, provide adequate authority for DEP to enforce appropriate limitations and other control measures. Section 6.1(k) of the APCA, 35 P.S. § 4006.1(k), provides that DEP shall require revisions to any permit to incorporate applicable standards and regulations promulgated under the Clean Air Act after issuance of a Title V permit.</p> <p>The Commonwealth has an EPA-approved air permitting program for the construction and operation of both major and minor facilities, which ensures that all applicable requirements are included in federally enforceable plan approvals, operating permits and general plan approvals and general operating permits. 61 FR 39597 (July 30, 1996).</p> <p>Section 9.1 of the APCA, 35 P.S. § 4009.1, provides that DEP may assess civil penalties for violations of the APCA, regulations adopted under the APCA, Department orders or terms, and conditions of plan approvals and operating permits. Additionally, Section 7.1 of the APCA, 35 P.S. § 4007.1, authorizes DEP to withhold plan approvals, state operating permits, or Title V permits where an applicant or related party has shown a lack of ability or intention to comply with the APCA.</p> <p>The Commonwealth’s enforceable emission limitations and other control measures are covered in those provisions of the APCA and implementing regulations in 25 Pa. Code Chapters. 121-145; Title 67, Chapters 175 – 177 that are listed in 40 CFR §52.2020(c)(1); ACHD Regulations, Parts A through I to Articles XX and XXI that are listed in 40 CFR 52.2020(c)(2); Philadelphia Title 3 Air Management Code and Philadelphia AMS Regulations I, II, III, IV, V, VII, VIII, XI, and XIII that are listed in 40 CFR 52.2020(c)(3); and source specific provisions codified at 40 CFR 52.2020(d)(1).</p> <p>Elements of the program for enforcement are found in the monitoring, recordkeeping and reporting requirements for sources in these control measures as well as those provisions of: 25 Pa. Code Chapter 127, subchapters D and E that are listed in 40 CFR 52.2020(c)(1); those provisions of ACHD Regulations, Parts H and I to Articles XX and XXI that are listed in 40 CFR 52.2020(c)(2); and those provisions of the Philadelphia Title 3 Air Management Code and Philadelphia AMS Regulation I that are listed in 40 CFR 52.2020(c)(3).</p>
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§110(a)(2)(D)(i)

contain adequate provisions prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other state under part C of this subchapter to prevent significant deterioration of air quality to protect visibility.

Interstate Transport: The physical properties of lead prevent lead emissions from traveling long distances, and there is a sharp decrease in lead concentrations as the distance from a source decreases. Based on Pennsylvania's permitting and emission inventory system, there are no sources of lead emissions equal to or greater than 0.5 ton per year within a close proximity (less than a 2 mile radius) of the state borders. Therefore, lead sources in Pennsylvania do not have emissions that impact neighboring states such that they contribute significantly to nonattainment or interfere with maintenance by any other states.

See the map in Attachment 1 of the Appendix which identifies the location of all stationary sources in PA which emitted more than 0.5 tons of lead in 2010.

Visibility: EPA has indicated that lead-related visibility impacts were found to be insignificant. Furthermore, Pennsylvania submitted the Regional Haze SIP under CAA Section 169 in December 2010 to address visibility related pollutants, and EPA acted on that SIP submittal at 77 Fed. Reg. 33,641 (June 7, 2012) and 77 Fed. Reg. 41,279 (July 13, 2012). Pennsylvania does not have a Class I area. The closest Class I areas to Pennsylvania are Brigantine Wilderness in New Jersey and Otter Creek Wilderness in West Virginia which are approximately 70 and 73 kilometers, respectively, from the borders with Pennsylvania.

PSD and NSR: See subparagraph (C) above and subparagraph (D)(ii) below for reference to PSD and NSR rules.

<p>§110(a)(2)(D)(ii)</p>	<p><i>Contain adequate provisions insuring compliance with the applicable requirements of sections 115 or 126(b) (relating to interstate and international pollution abatement).</i></p>	<p>Nonattainment New Source Review (NNSR) and Prevention of Significant Deterioration (PSD) Requirements: Major stationary sources for lead are currently subject to PSD and NNSR permitting programs as described in the Pennsylvania implementation descriptions for §110(a)(2)(C) and (J). The Department of Environmental Protection (DEP) implements and enforces the PSD and NNSR in all areas of the Commonwealth, except Philadelphia and Allegheny counties; those counties administer and enforce approved local air pollution control programs under Section 12 of the Pennsylvania Air Pollution Control Act.</p> <p>NNSR and PSD provisions are codified in Pennsylvania’s SIP at 40 CFR 40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3), 52.2020(d), 52.2058(a) and 52.2061.</p>
<p>§110(a)(2)(E)(i)</p>	<p>provide necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any</p>	<p>State Agency Legal Authority: The Commonwealth’s enforceable emission limitations and other control measures are authorized under the APCA and applicable implementing provisions in 25 Pa. Code Chapters 121-145 and Title 67, Chapters 175-177 that are listed in 40 CFR § 52.2020(c)(1); those provisions of ACHD Regulations, Parts A through I to Articles XX and XXI that are listed in 40 CFR §52.2020(c)(2); those provisions of Philadelphia Title 3 Air Management Code and Philadelphia AMS Regulations I, II, III, IV, V, VII, VIII, XI, and XIII that are listed in 40 CFR 52.2020(c)(3); and source specific provisions codified at 40 CFR 52.2020(d)(1). The regulations in the Pennsylvania Code are adopted by the EQB and promulgated under the Commonwealth Documents Law. Ordinances and regulations enacted and adopted, respectively by the local air agencies, namely ACHD and Philadelphia AMS, are duly adopted by the county Board of Health, enacted by the County Council and approved by the Chief Executive and the Air Pollution Control Board, respectively, pursuant to section 12 of the APCA (35 P.S. § 4012). Where these provisions relate to requirements in section 110 of the CAA, SIP revisions have been submitted to and approved by EPA. EPA-approved SIP revisions are codified in Pennsylvania’s SIP at 40 CFR part 52, subpart NN. The Commonwealth has an EPA-approved air permitting program for both major and minor facilities, which ensures that all applicable requirements are included in operating permits issued to facility owners and operators.</p>

<p>§110(a)(2)(E)(i) (continued)</p>	<p>provision of federal or state law from carrying out such implementation plan or portion thereof,</p>	<p>Local Agency Legal Authority: Section 12 of the APCA (35 P.S. § 4012) authorizes local air pollution control programs in any county of the first or second class of the Commonwealth, Philadelphia and Allegheny counties, respectively. Consistent with section 12 of the APCA and the terms of DEP’s approval of the counties’ local air pollution control programs, the local agencies continue to operate their own programs, which at a minimum must meet the requirements of the APCA, the CAA and the regulations adopted under the acts. The enabling authority for Philadelphia AMS is provided by Title 3, Air Management Code. The ACHD local air pollution control program is authorized under County Ordinance 16782 and implementing regulations in Article XXI.</p> <p>State Revenue: Section 6.3 of the APCA (35 P.S. § 4006.3) authorizes the EQB to establish by regulation a permanent annual air emission fee as required for regulated pollutants by section 502(b) of the CAA (42 U.S.C.A. § 7661a(b)) to cover the reasonable direct and indirect costs of administering the operating permit program required by Title V of the CAA, other related requirements of the CAA and the reasonable indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance Programs including the Small Business Compliance Advisory Committee and the Office of Small Business Ombudsman. The emission fee shall not apply to emissions of more than 4,000 tons of any regulated pollutant. Section 6.3 of the APCA also authorizes the EQB by regulation to establish fees to support the air pollution control program authorized by this act and not covered by fees required by section 502(b) of the CAA.</p> <p>The implementing air quality fee provisions are codified in <i>25 Pa. Code</i> Chapter 127, Subchapter I (relating to plan approval and operating permit fees). The APCA also authorizes the establishment of fees to cover non-Title V costs. The air quality program also receives revenue from fines and civil penalties.</p> <p>Section 9.2 provides that all fines, civil penalties, and fees collected under the APCA shall be paid into the Treasury of the Commonwealth in a special fund known as the Clean Air Fund (CAF), which shall be administered by the Department for use in the elimination of air pollution. This section further provides that the Department may establish such separate</p>
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<p>§110(a)(2)(E)(i) (continued)</p>		<p>accounts as may be necessary to implement the requirements of the APCA and the CAA.</p> <p>The fees are deposited into the CAF and are used as prescribed in the statutes and implementing regulations. The Department prepares Comparative Financial Statements for each account in the CAF and projects the expenditures out four years to assure the stability of the fund. CAF Spending Plans are developed and approved for two fiscal years. The Department receives federal funds under Sections 105 and 103 of the CAA. State General Fund appropriations are used to match the Section 105 grant.</p> <p>Local Revenue: The local agencies receive Section 105 and 103 funds directly from EPA, have their own authority to collect Title V and other fees, and also receive revenue from fines and penalties that are restricted for air quality program purposes.</p> <p>State Staffing: DEP believes that Pennsylvania has adequate personnel to implement the SIP with respect to the lead NAAQS requirements. Should EPA determine that the DEP lacks adequate personnel to implement the SIP, EPA is authorized to issue a finding with respect to that deficiency, which DEP would have a legal obligation to correct within 18 months after such finding.</p> <p>Local Staffing: DEP's Agreement for Implementation of the Philadelphia County Air Pollution Control Program and the Agreement for Implementation of the Allegheny County Air Pollution Control Program (referenced above) assure that the two Department-approved local agencies similarly have the necessary personnel, funding and authority to carry out their respective obligations under the SIP.</p>
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<p>§110(a)(2)(E)(ii)</p>	<p><i>Provide requirements that the state comply with the requirements respecting state boards under section 128, and...</i></p>	<p>The requirement is not applicable. Permits and enforcement orders are issued directly by the Pennsylvania Department of Environmental Protection (DEP), not state boards.</p>
<p>§110(a)(2)(E)(iii)</p>	<p><i>provide necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision;</i></p>	<p>Section 12 of the APCA reserved powers to political subdivisions to enact air pollution control ordinances, which are not less stringent than the requirements of the Clean Air Act, the APCA, and regulations adopted under the acts. The APCA authorizes only two local air pollution control programs in the Commonwealth, which are administered by the Philadelphia AMS and the ACHD. DEP maintains agreements with the two local air agencies that DEP relies on for implementation of the SIP in Allegheny and Philadelphia counties. DEP has approved the local programs in the areas of financial assistance, annual workload projection, emissions reporting, source monitoring and reporting, enforcement, ambient air monitoring and reporting, and air quality permitting. The Department has responsibility for ensuring adequate implementation of SIP provisions by local authorities under section 12 of the APCA, 35 P.S. § 4012. The submission to the Department of a description of the implementation of the local air pollution control program along with a detailed accounting of the costs of implementation is required on an annual basis.</p> <p>See Attachments 2 and 3 which are the current implementation agreements for the local air pollution control programs in Philadelphia and Allegheny counties.</p>

<p>§110(a)(2)(F)(i) and(ii)</p>	<p><i>require, as may be prescribed by the Administrator:</i></p> <p><i>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i></p> <p><i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such source,</i></p>	<p>Regulatory requirements for sampling, testing and monitoring by owners or operators of stationary sources have been codified in 25 Pa. Code Chapter 139 (pertaining to sampling and testing). Requirements in 25 Pa. Code Section §135.3 provide for the reporting of emissions inventories by source owners and operators in a format established by DEP on a schedule set forth in the section. In addition, 25 Pa. Code § 135.21 requires the submission of emission statements as required by the CAA. Area, mobile, and non-road data are reported to EPA on a 3-year cycle, consistent with 40 CFR Part 51.</p> <p>The Commonwealth’s enforceable emission limitations and other control measures are covered in the APCA and those provisions of 25 Pa. Code Article III, Chapters 121-145, , Allegheny County Health Department (ACHD) Regulations, Parts A through I to Articles XX and XXI listed in 40 CFR 52.2020(c)(2), Philadelphia Title 3 Air Management Code and Philadelphia AMS Regulations I, II, III, IV, V, VII, VIII, XI, and XIII listed in 40 CFR 52.2020(c)(3), and source specific provisions are codified at 40 CFR 52.2020(d)(1) and (2). Elements of the program for enforcement are found in the monitoring, recordkeeping and reporting requirements for sources in these control measures as well as 25 Pa. Code Chapter 127, subchapters D and E, ACHD Regulations, Parts H and I to Articles XX and XXI and Philadelphia AMS Regulation I.</p> <p>The provisions were approved by EPA and codified at 40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3) and 52.2020(d).</p>
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<p>§110(a)(2)(F)(iii)</p>	<p><i>require, as may be prescribed by the Administrator:</i></p> <p><i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection.</i></p>	<p>The Commonwealth is responsible for making all records, reports or information obtained by the Department or referred to at public hearings under the provisions of the APCA available to the public, except to the extent the records, reports or information are determined by DEP to be confidential under section 13.2 of the APCA, 35 P.S. § 4013.2. The types of records DEP routinely provides access to include notifications, inspection reports, notices of violation, enforcement orders, applications, permit review letters, sample results, monitoring reports, permits, approvals and denials that would relate to §110(a)(2)(F) of the CAA. All emissions data to which the Department has access is not considered confidential information. DEP generally makes information available for public access through its Web site (www.depweb.state.pa.us), but also makes hard copy reports available upon written request.</p>
<p>§110(a)(2)(G)</p>	<p><i>provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority.</i></p>	<p>Emergency Powers. The Department can request the owners and operators of lead-emitting facilities to create Standby Plans in accordance with the provision in 25 Pa. Code Chapter 137 (relating to air pollution episodes). Standby plans, when necessary, must be developed in accordance with the criteria in 25 Pa. Code § 137.4 (relating to standby plans). While no specific emergency episode plans are required at this time, Pennsylvania has adequate general emergency powers to address lead related episodes, as appropriate and necessary. Enabling authority for “Emergency Powers” is contained in Sections 5(5) and 6.2 of the APCA (35 P.S. §§ 4005(5) and 4006.2).</p> <p>ACHD has adopted Part F to Article XX/XXI and Philadelphia AMS has adopted Regulation IV, all of which cover air pollution episodes and the occurrence of an emergency due to the effects of pollutants on the health of persons. The state and local requirements in 25 Pa. Code Chapter 137, Part F to Article XX/XXI and Philadelphia AMS Regulation IV were approved by EPA and codified in Pennsylvania’s SIP on May 31, 1972 (37 FR 10842), June 16, 1993 (58 FR 33203), June 12, 1998 (63 FR 32126), June 11, 2002 (67 FR 39854), and November 14, 2002 (67 FR 68935).</p>

§110(a)(2)(H)

provide for revision of such plan—

(i) from time to time as may be necessary to take account of revisions of such primary or secondary NAAQS or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this chapter (CAA).

Future SIP Revisions. Section 4(1) of the APCA, 35 P.S. § 4004(1), empowers the Department to implement the provisions of the CAA. Section 5 of the APCA, 35 P.S. § 4005, authorizes the Environmental Quality Board to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution. In addition, 25 Pa. Code §131.2 adopts and incorporates the federal NAAQS by reference. The revised standards are effective in Pennsylvania on the same effective date set forth in the *Federal Register* for each new or revised NAAQS. The Department has revised and will continue to revise the SIP as may be necessary when EPA revises the primary or secondary NAAQS and when, if ever, EPA finds the SIP is substantially inadequate to attain the NAAQS which it implements or otherwise to comply with the CAA. The Department has revised and will continue to revise the SIP to take advantage of improved or more expeditious methods to attain the NAAQS.

<p>§110(a)(2)(I)</p>	<p><i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas).</i></p>	<p>Nonattainment SIP Revisions. The Department is developing SIP revisions for the three areas that EPA has designated as lead areas. The SIP revisions shall contain the required elements of part D for an approvable SIP.</p>
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<p>§110(a)(2)(J)</p>	<p><i>meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection);</i></p>	<p>The APCA provides adequate authority for DEP’s public participation process for the review of proposed SIP revisions, as required under CAA Sections 121 and 127 and notification of NAAQS violations as required in CAA Section 127. It also provides authority for the public education efforts described in CAA Section 127. Section 4 of the APCA, 35 P.S. § 4004, provides general enabling authority for interaction with the public and local government.</p> <p>DEP uses its Web site to fulfill the requirement for public notification under CAA Section 127. DEP will be making lead monitoring data available on a quarterly basis at http://www.ahs2.dep.state.pa.us/aq_apps/aadata/ starting in 2012.</p> <p>The federal PSD provisions in 40 CFR 52 under section 161 of the CAA (42 U.S.C.A. § 7471) are adopted and incorporated by reference in 25 Pa. Code Chapter 127, Subchapter D. Whenever EPA promulgates any PSD amendments for the 2008 lead NAAQS, the provisions will automatically be adopted and incorporated in the Pennsylvania Code. There are no new applicable visibility protection obligations under section 110(a)(2)(J) as a result of the 2008 lead NAAQS.</p> <p>These provisions were approved by EPA as part of the SIP. The Allegheny County SIP revision for PSD was submitted in July 2008 and is pending approval. EPA published its proposed approval of the Allegheny County SIP revision on June 11, 2012 at 77 FR 34300.</p> <p>Codified or approved by EPA at 40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3).</p>
<p>§110(a)(2)(K)</p>	<p><i>(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any</i></p>	<p>Air Quality Modeling. Section 4(1) of the APCA obligates the Department to implement the provisions of the CAA in this Commonwealth. 35 P.S. § 4004 (1). Inherent in this grant of power and duty is the obligation to meet the NAAQS established under Section 107 of the CAA.</p> <p>Section 4(15) of the APCA provides that the Department has the power and duty to conduct or cause to be conducted studies and research with respect to air contaminants, their nature, causes and effects, and with respect to the control, prevention, abatement and</p>

<p>§110(a)(2)(K) (Continued)</p>	<p><i>emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</i></p> <p>(ii) <i>the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p>	<p>reduction of air pollution and air contamination. 35 P.S. § 4004 (15). This enabling legislation empowers the DEP to perform air quality modeling and to make data submissions prescribed by the Administrator of EPA in accordance with Section 110(a)(2)(K) of the CAA.</p> <p>Pennsylvania will continue to perform modeling as required under the CAA to demonstrate attainment. Pennsylvania will continue to submit the air quality modeling data to EPA as part of its relevant SIP submissions and through federal grant commitments as appropriate. Pennsylvania will also continue to provide air quality modeling data to the EPA Administrator upon request.</p> <p>The procedures followed in the modeling analysis for the 2008 lead attainment demonstrations will be conducted in accordance with EPA’s <i>The Guideline of Air Quality Models</i> and other associated EPA guidance.</p>
<p>§110(a)(2)(L)</p>	<p><i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover—</i></p> <p>(i) <i>the reasonable costs of reviewing and acting upon any application for such a permit, and</i></p> <p><i>if the owner or operator receives a permit for</i></p>	<p>Permitting Fees: The fee requirements of 25 Pa. Code Chapter 127, Subchapter I, were approved by EPA as meeting the CAA requirements and were incorporated into the Commonwealth’s SIP. The Commonwealth’s Title V operating permit program implemented in accordance with 25 Pa. Code Chapter 127, Subchapters F and G, was approved by EPA on July 30, 1996 (61 FR 39597).</p> <p>The EPA-approved provisions are codified at 40 CFR 52.2020(c)(1) and 40 CFR Part 70, Appendix A —Approval Status of State and Local Operating Permits Programs (61 Fed. Reg. 39597, July 30, 1996).</p>

<p>§110(a)(2)(L) (Continued)</p>	<p><i>such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter (Title) V of this chapter.</i></p>	
<p>§110(a)(2)(M)</p>	<p><i>Provide for consultation and participation by local political subdivisions affected by the plan.</i></p>	<p>Section 7 of the APCA (relating to public hearings), 35 P.S. § 4007, requires the Environmental Quality Board or the DEP acting on behalf of the Board to conduct public hearings in any region of the Commonwealth affected before any rules or regulations with regard to the control, abatement, prevention or reduction of air pollution are adopted for that region. Notice of such hearings shall be provided at least thirty days prior to the scheduled date of the hearing.</p>