

Draft Proposed Regulation

25 Pa. Code Chapters 121 and 127:

Administrative Amendments to General Provisions and Permitting Notification Requirements

(Update)

Bureau of Air Quality
May 2026





Background

- At the 11/6/2025 AQTAC meeting, the proposed rulemaking for administrative amendments to Chapters 121 and 127 was presented. The proposed rulemaking would:
 - Correct administrative errors and add clarifying amendments.
 - Provide continued administrative efficiency for DEP to directly implement and enforce its regulations.
- No environmental impact is expected.



Background

- At the 2/5/2026 AQTAC meeting, Sean Wenrich presented on Act 45 of 2025 (HB 416).
 - The November 12, 2025, amendments included a new section specific to air quality general permits.
 - The new provisions govern how applications for authorization to use air quality general permits are reviewed, the timelines involved, and under what circumstances applications are approved or denied.



Purpose

- The purpose of this presentation is to brief committee members on how the provisions in the 11/12/25 amendments will be incorporated into the Chapters 121 and 127 proposed rulemaking.



Chapter 127, Subchapter H

- The provisions outlined in Act 45 of 2025 amendments to Section 1805 of Article XVIII, Subarticle C (subsections (a) and (b)) would be incorporated into:
 - § 127.621. Application for use of general plan approvals and general operating permits.
 - § 127.641 Application for use of plan approvals and operating permits for portable sources.



Provisions

- DEP is required to notify the applicant of any deficiencies within 20 days from submission of the application.
- The applicant is required to address each deficiency within 25 days of submission of the application.
- If the applicant does not address each deficiency within the timeframe, DEP is required to deny the application.



Provisions

- DEP is required to take action on the application within 30 days of submission. The 30 days may be extended one time by an additional five days with consent of the applicant.
- If DEP fails to issue a determination within this timeframe, the applicant may proceed under the provisions of the general permit.



Key Points

- If a deficiency response is late, DEP is required to deny the application.
- There is no tolling provision to “stop the clock”.
- This is the first time that air quality permitting has had a “deemed approved” requirement.



Summary

- The draft proposed regulation for 25 Pa. Code Chapters 121 and 127 would:
 - Correct administrative errors and add clarifying amendments.
 - Provide continued administrative efficiency for DEP to directly implement and enforce its regulations.
 - Incorporate the amendments identified in Act 45 of 2025 (HB 416), Section 1805 of Article XVIII, Subarticle C (subsections (a) and (b)) into Chapter 127, Subchapter H.



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