

Draft Proposed Rulemaking 25 Pa. Code Chapters 121 and 127: Administrative Amendments to General Provisions and Permitting Notification Requirements

Bureau of Air Quality
June 2026





Purpose

- This proposed rulemaking would:
 - Add and revise definitions to provide further clarity.
 - Clarify the role of the Department in plan approval and permit compliance demonstrations.
 - Remove obsolete language and duplicative notification requirements.
 - Remove language on interpollutant trading that is no longer allowable because of recent federal case law.
 - Specify the deadline for submitting a Title V operating permit application to be consistent with the Clean Air Act.
 - Correct typographical and administrative errors and add clarifying amendments.
 - Provide continued administrative efficiency for DEP to directly implement and enforce its regulations.



Proposed Revisions

- Proposed amendments to 25 Pa. Code Chapter 121:
 - **§ 121.1** – Update definitions of the terms “Major NO_x emitting facility” and “Responsible Official” and add definitions for “Business entity” and “Commence Operation” to clarify implementation and enforcement of regulations in Chapters 121—145.
 - **§ 121.4** – Correct regional organization of DEP and clarify the roles of local air pollution control agencies.



Proposed Revisions

- Proposed amendments to 25 Pa. Code Chapter 127:
 - **§ 127.11a** – Remove obsolete language and remove duplicative notification requirements.
 - **§§ 127.13a and 127.461** – Clarify role of DEP in plan approval and permit compliance determinations.
 - **§§ 127.44 and 127.424** – Revise the newspaper publication notice requirement for air plan approvals and operating permits from publication of three notices to one.



Proposed Revisions

- **§§ 127.51 and 127.431** – Remove the requirement for DEP to mail a copy of a plan approval and operating permit dispositions. Instead allow for an email notification, in addition to the *Pennsylvania Bulletin*.
- **§ 127.210** – Amend the offset ratios regulation to remove language on interpollutant trading that is no longer allowable because of recent case law (*Sierra Club v. EPA, 985 F.3d 1055 (D.C. Cir. 2021)*).



Proposed Revisions

- **§ 127.462** – Clarify terminology and modernize document delivery requirements to electronic means for minor operating permit modifications.
- **§ 127.505** – Correct the deadline for submitting an initial application for a Title V operating permit to be within 12 months of commencing operation to align with the federal Clean Air Act and EPA's 40 CFR Part 70 regulations.



Proposed Revisions

- **§ 127.621** – Clarify terminology and modernize document delivery requirements to electronic means for general plan approvals and general operating permits.
- **§ 127.641** – Application for use of plan approvals and operating permits for portable sources.



Background on Act 45 of 2025

- Act 45 of 2025
 - Amends Section 1805 of Article XVIII, Subarticle C (subsections (a) and (b)) of the Pennsylvania Fiscal Code.
 - 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.

Changes Required by Act 45 of 2025

- 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.

Changes Required by Act 45 of 2025

- 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.
- This is the first time that air quality permitting has had a “deemed approved” requirement.



Pennsylvania
Department of
Environmental Protection

Affected Parties

These administrative updates would apply to the owners and operators of stationary facilities that are required to have operating permits controlling air pollution emissions.



Impacts

- This proposed rulemaking corrects administrative errors and adds clarifying amendments. No environmental impact is expected.
- The proposed amendments to §§ 127.44 and 127.424 would reduce the administrative burdens and cost to industry that are associated with newspaper notifications by approximately \$170,000 annually.
- This proposed rulemaking provides continued administrative efficiency for DEP to directly implement and enforce its regulations.



Pennsylvania
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The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).