

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:

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CEMS—*Continuous emissions monitoring system*—[For purposes of Chapter 127, Subchapter E, all]

[~~—(i) All~~] [~~of the~~] THE TOTAL equipment that

[~~—(A) That~~] may be required to meet the data acquisition and availability requirements [~~of Chapter 127, Subchapter E~~] [~~set forth by the Department~~] ESTABLISHED UNDER THE ACT OR CLEAN AIR ACT to sample, condition, analyze and provide a record of emissions on a continuous basis.

[~~—(B) That may be necessary for the determination, collection and reporting of a pollutant or parameter in the applicable units of measurement in accordance with the requirements set forth by the Department.~~

—(ii) The requirements may be set forth by the Department in one or more of the following:

—(A) Plan approval.

—(B) Permit.

—(C) Order.

—(D) Technical guidance.

~~—(E) Chapter 127, Subchapter E (relating to new source review).~~

~~—(F) Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources).~~

~~—(G) Other regulations.]~~

~~CEMS level 1 quarterly report—The written emissions report submitted quarterly to the Department by the owner or operator of a facility with a CEMS. The format and content of the report are specified in the *Continuous Source Monitoring Manual* referenced in § 139.102(3) (relating to references).~~

~~CEMS level 1 quarterly report audit—The audit conducted by the Department on the CEMS level 1 quarterly emissions report submitted by the owner or operator of a facility.~~

~~(i) The audit includes both of the following activities:~~

~~(A) A review of the emissions report for consistency in both format and content with the current *Continuous Source Monitoring Manual* referenced in § 139.102(3).~~

~~(B) Subsequent processing of the emissions report through the Continuous Emission Monitoring Data Processing System (CEMDPS), from which a written report summarizing the quarterly report submitted by the facility is generated.~~

~~(ii) Initial submittal refers to the first time the CEMS level 1 quarterly report is submitted for audit.~~

~~(iii) Resubmittal refers to subsequent submittals of the CEMS level 1 quarterly report to correct incorrect data or calculations or to supply missing data or calculations.~~

~~CEMS level 2 system inspection audit—~~

~~(i) [A random or as-needed] AN audit conducted by the Department of the CEMS at a facility, which consists of all of the following:~~

~~(A) A system configuration and equipment inspection.~~

~~(B) A diagnostic check of the analyzers.~~

~~(C) An operational audit.~~

~~(D) A data inspection.~~

~~(ii) The term includes a field systems inspection audit.~~

CEMS level 3 analyzer audit—

(i) ~~[A random or as-needed]~~ AN audit conducted by the Department of analyzer performance of the CEMS at a facility, which includes both of the following actions:

(A) Each analyzer is challenged with Department-supplied calibration gases or neutral density filters (opacity) at three operational levels.

(B) The results obtained from the facility analyzers are compared to the values of the reference materials.

(ii) The term includes an analyzer performance audit.

CEMS level 4 system audit—An audit OF THE SYSTEM PERFORMANCE OF THE CEMS CONDUCTED by ~~[either]~~ the Department or the FACILITY owner or operator ~~[of the facility of the system performance of the CEMS, conducted]~~ in accordance with the Department's current RATA procedures, when ~~[both of the following occur]:~~

~~—(i) Testing]~~ TESTING is conducted using EPA-approved test methods ~~];~~

~~—(ii) The]~~ AND THE test results are reported in the applicable units of measurement in the CEMS level 4 system audit report.

CEMS level 4 system audit report—The written report containing the results of a Department- or company-conducted CEMS level 4 system audit of the system performance of the CEMS.

CEMS level 4 test protocol—A test protocol that describes all test procedures and methods to be used to inspect the CEMS.

CEMS level 4 test protocol review—Department review of the information contained in the CEMS level 4 test protocol.

CEMS level 4 test report (RATA)—The test report detailing the results of the testing conducted on the CEMS.

CEMS level 4 test report (RATA) review—Department review of the information contained in the CEMS level 4 test report (RATA).

CEMS levels—A four-level inspection and audit program that the Department uses to determine the continued accuracy and reliability of installed, certified CEMS.

CEMS periodic self-audit—A periodically conducted audit of system performance that is required of the owner or operator of a certified CEMS, which follows the current RATA

procedures listed in the CEMS phase 2 performance testing section of the current Continuous Source Monitoring Manual referenced in § 139.102(3).

CEMS phase 1 monitoring plan—

(i) The initial written monitoring plan application for the installation of a CEMS, submitted by the owner or operator of a facility to the Department.

(ii) The monitoring plan application must indicate the probable capability of a monitoring system to meet all of the regulatory requirements.

CEMS phase 1 monitoring plan review—Review of the CEMS phase 1 monitoring plan by the Department.

(i) Initial certification refers to a currently uncertified CEMS undergoing the process of certification for the first time.

(ii) Recertification refers to a currently certified CEMS undergoing the process of the CEMS phase 1 monitoring plan review due to a change from the currently approved system.

CEMS phase 2 test protocol—

(i) The report that documents the performance testing that will be conducted on the CEMS by the owner or operator of the facility to obtain Department certification.

(ii) The report is submitted to the Department in the form of a written test protocol as specified in the Continuous Source Monitoring Manual referenced in § 139.102(3).

CEMS phase 3 certification test report—The written report submitted to the Department by the owner or operator of the facility, which includes all of the following information to verify the compliance of the CEMS with all regulatory requirements:

(i) Identification of all analyzer/measurement device serial numbers.

(ii) Identification of all raw data and calculations for the testing specified in the CEMS phase 2 test protocol submitted by the owner or operator of the facility.

(iii) All additional data or testing required by the Department[5].

CEMS phase 3 certification test report review—Review of the CEMS phase 3 certification test report by the Department, which, if approved in writing, results in the certification of the CEMS.

CEMS phases—

(i) The certification process for a new, currently uncertified CEMS.

(ii) The recertification process for a currently certified CEMS for which the owner or operator has applied for a change from the currently approved system.

* * * * *

[~~Observer—For purposes of Chapter 139, Subchapter D (relating to testing, auditing and monitoring fees), Department staff qualified to observe testing.~~]

* * * * *

RATA—Relative accuracy test audit—A performance test of the CEMS required as part of the following:

(i) A CEMS phase 2 test protocol.

(ii) A CEMS level 4 system audit, when conducted by the Department.

(iii) The CEMS periodic self-audit.

* * * * *

Risk assessment—The determination of potentially adverse health effects from exposure to chemicals, including both quantitative and qualitative expressions of risk.

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Trial burn operating scenario—A demonstration of process capability for a source using an operating method or operating process different from the process operating conditions described in the operating permit.

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

Subchapter I. PLAN APPROVAL AND OPERATING PERMIT FEES

§ 127.701. General provisions.

* * * * *

(b) The fees collected **under this subchapter** shall be **made payable to the Pennsylvania Clean Air Fund and** deposited into the Clean Air Fund established under section 9.2 of the act (35 P.S. § 4009.2).

(c) Fees collected **under this subchapter** to implement the requirements of Title V of the Clean Air Act and the Small Business Stationary Source Technical and Environmental Compliance Assistance, Compliance Advisory Committee and the Office of Small Business Ombudsman shall be **made payable to the Pennsylvania Clean Air Fund and** deposited into a restricted revenue account within the Clean Air Fund.

(d) At least every 5 years, the Department will provide the EQB with an evaluation of the fees in this subchapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administering the air quality program with the objective of ensuring sufficient fees to meet all program costs.

§ 127.702. Plan approval fees.

* * * * *

(b) Except as provided in subsections (c)—~~[(g)]~~ **[(j), 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) ~~[One thousand dollars for applications filed] [for] [during] [the] [calendar years beginning in] [2005] [~~—2009 calendar years.~~~~

~~—(2)] One thousand three hundred dollars for applications filed during the [2010—2014] 2011-2015 calendar years.~~

~~[(3)] (2) One thousand six hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.~~

~~[(4)] (3) Two thousand dollars for applications filed for the calendar years beginning in [2020] 2021.~~

(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) [~~Five thousand three hundred dollars for applications filed~~] [beginning in] [~~during the~~] [2005] [~~—2009 calendar years~~].

—(2) Six thousand three hundred dollars for applications filed during the [2010—2014] 2011-2015 calendar years.

[~~(3)~~ (2) Seven thousand three hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.

[~~(4)~~ (3) Eight thousand dollars for applications filed for the calendar years beginning in [2020] 2021.

(d) [A] The owner or operator of a source subject to 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 fee 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) [~~One thousand seven hundred dollars for applications filed~~] [beginning in] [~~during the~~] [2005] [~~—2009 calendar years~~].

—(2) Two thousand dollars for applications filed during the [2010—2014] 2011-2015 calendar years.

[~~(3)~~ (2) Two thousand five hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.

[~~(4)~~ (3) Three thousand dollars for applications filed during the calendar years beginning in [2020] 2021.

(e) [A] The owner or operator of a source subject to § 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) [~~Eight thousand dollars for applications filed~~] [beginning in] [~~during the~~] [2005] [~~— 2009 calendar years.~~

—(2) Ten thousand dollars for applications filed during the [2010—2014] 2011-2015 calendar years.

[~~(3)~~ (2) Twelve thousand dollars for applications filed during the [2015—2019] 2016-2020 calendar years.

[~~(4)~~ (3) Fourteen thousand dollars for applications filed during the calendar years beginning in [2020] 2021.

(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) [~~Twenty-two thousand seven hundred dollars for applications filed~~] [beginning in] [~~during the~~] [2005] [~~—2009 calendar years.~~

—(2) Twenty-seven thousand two hundred dollars for applications filed during the [2010—2014] 2011-2015 calendar years.

[~~(3)~~ (2) Thirty thousand seven hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.

[~~(4)~~ (3) Thirty-five thousand seven hundred dollars for applications filed during the calendar years beginning [2020] IN 2021.

(g) Except as provided in subsection (h), the **owner or operator of a** source proposing a [minor] modification of a plan approval, extension of a plan approval[, and] **or** 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] ~~during the~~ [2005] ~~—2009 calendar years.~~

~~(2)~~ Four hundred dollars for applications filed during the [2010—2014] 2011-2015 calendar years.

~~(3)~~ (2) Five hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.

~~(4)~~ (3) Six hundred fifty dollars for applications filed during the calendar years beginning in [2020] 2021.

(h) The [modification] amendment of a plan approval or revision of an application [by the applicant] that [includes] requires the reassessment of a control technology determination or of the ambient impacts of the source [will not be considered] is a [minor] significant modification of the plan approval or application.

(1) The [applicant proposing] OWNER OR OPERATOR OF A SOURCE REQUIRING an amendment of the plan approval or revision to an application that requires reassessment of a control technology determination shall pay fees as established under subsections (b)—(f).

(2) The [applicant proposing] OWNER OR OPERATOR OF A SOURCE REQUIRING an amendment of a plan approval or revision to an application that requires changes to the ambient impact analysis or Department reanalysis of the ambient impacts of the source to meet the requirements of 40 CFR 51, Appendix W (relating to guideline on air quality models), shall pay fees in accordance with the following:

(i) For modeling using a screening technique as defined in 40 CFR 51, Appendix W:

(A) Three thousand five hundred dollars for applications filed during the [2010—2014] 2011-2015 calendar years.

(B) Four thousand five hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.

(C) Six thousand dollars for applications filed for calendar years beginning in [2020] 2021.

(ii) For all other modeling as defined in 40 CFR 51, Appendix W:

(A) Seven thousand five hundred dollars for applications filed during the ~~2010—2014~~ 2011-2015 calendar years.

(B) Nine thousand dollars for applications filed during the ~~2015—2019~~ 2016-2020 calendar years.

(C) Eleven thousand dollars for applications filed for the calendar years beginning in ~~2020~~ 2021.

(i) The Department may establish application fees for general plan approvals and plan approvals for sources operating at multiple temporary locations **[which] that** will not be greater than the fees established **[by subsection (b)] under this section**. These fees **[shall] will** 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).

(j) The owner or operator of a source that submits a request for determination for [:

~~(1) A] A plan approval [application] shall pay a fee equal to:~~

~~(i)~~ (1) Four hundred dollars for requests for determination filed during the ~~2010—2014~~ 2011-2015 calendar years.

~~(ii)~~ (2) Five hundred dollars for requests for determination filed during the ~~2015—2019~~ 2016-2020 calendar years.

~~(iii)~~ (3) Six hundred fifty dollars for requests for determination filed for the calendar years beginning in ~~2020~~ 2021.

~~(2) Both a plan approval under this section and an operating permit under § 127.703(e) (relating to operating permit fees under Subchapter F) shall pay one request for determination fee.]~~

(k) The owner or operator of a source proposing to use a general plan approval under Subchapter H (relating to general plan approvals and operating permits) shall pay a fee that will not be greater than the fees established under this section. The Department will establish these fees at the time the general plan approval is issued and will publish the fees in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632.

§ 127.703. Operating permit fees under Subchapter F.

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

(b) The fee for processing an application for an operating permit is:

(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~~ [for] ~~during~~ [the] [calendar years beginning in] [2005] ~~—2009 calendar years.~~

~~(2)~~ Five hundred dollars for applications filed during the [2010—2014] 2011-2015 calendar years.

~~(3)~~ (2) Six hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.

~~(4)~~ (3) Eight hundred fifty dollars for applications filed for the calendar years beginning in [2020] 2021.

(c) The annual operating permit administration fee is[:] due on or before March 1 of each year for the current calendar year. THE FEE IS:

(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] ~~for~~ [the] [years beginning in] [2005] ~~—2009 calendar years.~~

~~(2)~~ Five hundred dollars for the [2010—2014] 2011-2015 calendar years.

~~(3)~~ (2) Six hundred dollars for the [2015—2019] 2016-2020 calendar years.

~~(4)~~ (3) Seven hundred fifty dollars for the calendar years beginning in [2020] 2021.

(d) The Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations **[which] that** will not be greater than the fees established **[by] under** this section. These fees **[shall] will** 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).

(e) The owner or operator of a source that submits a request for determination for [;

~~—(1) An~~ **AN operating permit OR FOR BOTH A PLAN APPROVAL AND AN OPERATING PERMIT shall pay a SINGLE fee equal to:**

~~[(i)]~~ **(1) Four hundred dollars for requests for determination filed during the [2010—2014] 2011-2015 calendar years.**

~~[(ii)]~~ **(2) Five hundred dollars for requests for determination filed during the [2015—2019] 2016-2020 calendar years.**

~~[(iii)]~~ **(3) Six hundred fifty dollars for requests for determination filed for the calendar years beginning in [2020] 2021.**

~~[(2) Both an operating permit under this section and a plan approval under § 127.702(i) (relating to plan approval fees) shall pay one request for determination fee.]~~

(f) The owner or operator of a source proposing to use a general plan approval under Subchapter H (relating to general plan approvals and operating permits) shall pay a fee that will not be greater than the fees established under this section. The Department will establish these fees at the time the general plan approval is issued and will publish the fees in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632.

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

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

(b) The fee for processing an application for an operating permit is:

(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) ~~**[Seven hundred fifty dollars for applications filed during the] [calendar years beginning in] [2005] [—2009 calendar years].**~~

~~**—(2) Nine hundred dollars for applications filed during the [2010—2014] 2011-2015 calendar years.**~~

~~**[(3)] (2) One thousand one hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.**~~

~~[(4)]~~ **(3) One thousand five hundred dollars for applications filed for the calendar years beginning in [2020] 2021.**

(c) The annual operating permit administration fee to be paid by **THE OWNER OR OPERATOR OF** a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions) is:

(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] [~~—2009 calendar years.~~~~

~~—(2)]~~ **Nine hundred dollars for applications filed during the [2010—2014] 2011-2015 calendar years.**

~~[(3)]~~ **(2) One thousand one hundred dollars for applications filed during the [2015—2019] 2016-2020 calendar years.**

~~[(4)]~~ **(3) One thousand three hundred dollars for applications filed for the calendar years beginning in [2020] 2021.**

(d) The Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations **[which] that** will not be greater than the fees established **[by] under** this section. These fees **[shall] will** 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).

(e) The owner or operator of a source proposing to use a general plan approval under Subchapter H (relating to general plan approvals and operating permits) shall pay a fee that will not be greater than the fees established under this section. The Department will establish these fees at the time the general plan approval is issued and will publish the fees in the Pennsylvania Bulletin as provided in §§ 127.612 and 127.632.

§ 127.705. Emission fees.

(a) ~~{The}~~ **[Beginning January 1, 2010, the]** owner or operator of a Title V facility including **A Title V [facilities] FACILITY** located in ~~[Allegheny County and]~~ 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 ~~[\$37]~~ **\$70** 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. ~~[Sources]~~ **THE OWNER OR OPERATOR OF A TITLE V FACILITY** located in Philadelphia County ~~[and]~~ **OR** Allegheny County shall pay the emission fee to the county **TITLE V** program ~~[if the county Title V program has~~

~~received approval~~ **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) [From November 26, 1994, through 1999, the owner or operator of a phase I affected unit or an active substitution unit as defined by Title IV of the Clean Air Act (42 U.S.C.A. §§ 7641 and 7642) shall pay an annual emission fee of \$14 per ton for each ton of a regulated pollutant actually emitted from the unit. 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. Sources located in Philadelphia County and Allegheny County shall pay the emission fee to the county program if the county Title V program has received approval under section 12 of the act (35 P.S. § 4012), and § 127.706. Beginning in the year 2000, sources covered by this subsection shall pay the fees established in subsection (a). The other provisions of this subsection notwithstanding, the owner or operator of a phase I affected unit or an active substitution unit as defined by Title IV of the Clean Air Act will not be required to pay more than \$148,000 plus the increase established by subsection (e) for each regulated pollutant emitted from a Title V facility. Substitution units identified as conditional substitution units by the owner or operator shall pay the emission fee established by subsection (a).]

[(c)] 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 [1994] ~~2009~~ 2010 and for each calendar year thereafter.

[(d)] (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.

[(e)] (d) The emission fee imposed under subsection (a) shall be increased in each calendar year after [November 26, 1994] ~~2010~~ (EDITOR'S NOTE: THE BLANK REFERS TO THE EFFECTIVE DATE OF ADOPTION OF THIS FINAL-FORM RULEMAKING.), 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. For purposes of this subsection:

(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.

§ 127.708. Risk assessment.

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

(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 with a screening model shall pay a fee equal to:

(1) Five thousand dollars for applications filed during the ~~2010—2014~~ 2011-2015 calendar years.

(2) Six thousand dollars for applications filed during the ~~2015—2019~~ 2016-2020 calendar years.

(3) Seven thousand two hundred dollars for applications filed for the calendar years beginning in ~~2020~~ 2021.

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

(1) Nine thousand dollars for applications filed during the ~~2010—2014~~ 2011-2015 calendar years.

(2) Eleven thousand dollars for applications filed during the ~~2015—2019~~ 2016-2020 calendar years.

(3) Thirteen thousand dollars for applications filed for the calendar years beginning in ~~2020~~ 2021.

(d) The owner or operator of a source applying for a risk assessment that is multi-pathway shall pay a fee equal to:

(1) Ten thousand dollars for applications filed during the ~~2010—2014~~ 2011-2015 calendar years.

(2) Twelve thousand dollars for applications filed during the ~~2015—2019~~ 2016-2020 calendar years.

(3) Fourteen thousand five hundred dollars for applications filed for the calendar years beginning in ~~2020~~ 2021.

CHAPTER 139. SAMPLING AND TESTING

(Editor's Note: The following §§ 139.201 and 139.202 are new and printed in regular type to enhance readability.)

Subchapter D. TESTING, AUDITING AND MONITORING FEES

§ 139.201. General provisions.

(a) This subchapter establishes fees for testing, auditing and monitoring activities that the Department undertakes to administer the requirements of the act or the Clean Air Act.

(b) The fees collected under this subchapter shall be made payable to the Pennsylvania Clean Air Fund and deposited into the Clean Air Fund established under section 9.2 of the act (35 P.S. § 4009.2).

(c) The Department will bill the applicant, owner or operator of an air **contaminant** **CONTAMINATION** source for the applicable testing, auditing or monitoring fees after the completion of the required testing, auditing or monitoring activity.

(d) The applicant, owner or operator shall submit payment for the testing, auditing or monitoring fee to the Department **OF ENVIRONMENTAL PROTECTION, BUREAU OF AIR QUALITY, DIVISION OF SOURCE TESTING AND MONITORING, PO BOX 8468, HARRISBURG, PA 17105-8468** within 60 days of the billing date.

(e) At least every 5 years, the Department will provide the EQB with an evaluation of the fees in this subchapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administering the air quality program with the objective of ensuring sufficient fees to meet all program costs.

§ 139.202. Schedule of testing, auditing and monitoring fees.

(a) For testing, auditing and monitoring activities performed by Department personnel for calendar years ~~2010—2014~~ **2011-2015**, the Department will assess a testing, auditing or monitoring fee on the applicant or permittee in accordance with the Schedule of Testing, Auditing and Monitoring Fees listed in Table I for the ~~2010—2014~~ **2011-2015** calendar years.

(b) For testing, auditing and monitoring activities performed by Department personnel for calendar years ~~2015—2019~~ **2016-2020**, the Department will assess a testing, auditing or monitoring fee on the applicant or permittee in accordance with the Schedule of Testing, Auditing and Monitoring Fees listed in Table I for the ~~2015—2019~~ **2016-2020** calendar years.

(c) For testing, auditing and monitoring activities performed by Department personnel for calendar years beginning with ~~2020~~ **2021**, the Department will assess a testing, auditing or

monitoring fee on the applicant or permittee in accordance with the Schedule of Testing, Auditing and Monitoring Fees listed in Table I for the calendar years beginning with **2020** **2021**.

TABLE I				
Schedule of Testing, Auditing and Monitoring Fees for Activities Performed by Department Personnel				
<i>Activity</i>	<i>Fee Basis</i>	<i>Fee Amount</i>		
		<i>Calendar Years</i>		
		[2010- 2014] 2011- 2015	[2015- 2019] 2016- 2020	[2020/ 2021+
(1) CEMS certification activities				
(i) CEMS phase 1 monitoring plan review, initial certification	Base fee (includes one air contamination source):	\$1,500	\$1,800	\$2,200
	Charge for each additional air contamination source:	\$500	\$600	\$700
	Charge for each CEMS:	\$200	\$240	\$300
(ii) CEMS phase 1 monitoring plan review, recertification	Base fee (includes one air contamination source):	\$750	\$900	\$1,100
	Charge for each additional air contamination source:	\$250	\$300	\$360
	Charge for each CEMS:	\$100	\$120	\$150
(iii) CEMS phase 3 certification test report review	Base fee (for each submittal):	\$750	\$900	\$1,100
	Charge for each CEMS:	\$200	\$240	\$300
(iv) CEMS test observation	One day [, per observer, maximum of two observers*]:	\$675	\$810	\$1,000
	Charge for each additional day [, per observer, maximum of two observers*]:	\$350	\$420	\$500
(2) CEMS test report review activities (not linked with a CEMS phase 1 certification application)				
(i) CEMS level 4 test protocol review	Per submittal:	\$500	\$600	\$700
(ii) CEMS level 4 test	Base fee (for each submittal):	\$500	\$600	\$700

report (RATA) review				
	Charge for each CEMS:	\$150	\$180	\$200
(3) CEMS audit activities				
(i) CEMS level 1 quarterly report audit, initial submittal	For each initial submittal, whichever is less:			
	Per facility:	\$500	\$600	\$700
	Per air contamination source:	\$200	\$240	\$300
	Per CEMS:	\$100	\$120	\$150
(ii) CEMS level 1 quarterly report audit, resubmittal	Per CEMS:	\$200	\$240	\$300
(iii) CEMS level 2 system inspection audit	Per test program:	\$1,000	\$1,200	\$1,500
(iv) CEMS level 3 analyzer audit	Per air contamination source:	\$1,000	\$1,200	\$1,500
	Charge for each CEMS, per air contamination source:	\$200	\$240	\$300
(v) CEMS level 4 system audit	Base fee per facility (includes one air contamination source):	\$2,500	\$3,000	\$3,600
	For each additional air contamination source at same facility:	\$1,000	\$1,200	\$1,500
	Lb/hr test, per air contamination source:	\$500	\$600	\$700
(4) Source testing activities				
(i) Source test protocol review	Per protocol:	\$675	\$810	\$1,000
	Review additional information, per request:	\$100	\$120	\$150
(ii) Trial burn source test protocol review	Per protocol:	\$1,700	\$2,040	\$2,500
(iii) Source test report review	Per air contamination source (as defined in the permit):	\$1,000	\$1,200	\$1,500
	Review of additional test information, per air contamination source, per request:	\$300	\$360	\$450
(iv) Trial burn source test	Per trial burn operating	\$3,050	\$3,660	\$4,400

report review	scenario:			
(v) Source test observation* [*]	Per day [per observer, maximum of two observers*]:	\$675	\$810	\$1,000
(vi) Department-conducted source test	Per pollutant or parameter per day, laboratory costs included:	\$3,000	\$3,600	\$4,400

~~**[*When more than one observer is required to conduct observation:**~~

~~**[*]**~~ *A source test observation does not include visible emission observations that are not part of a Department test plan.