PROPOSED 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:

* * * * *

Major facility—

(i) A facility which emits or has the potential to emit 100 TPY or more of a regulated NSR pollutant, except that lower emissions thresholds apply as follows:

(A) Fifty TPY of VOCs in a serious nonattainment area for ozone.

(B) Fifty TPY of VOCs in an area within an ozone transport region except for a severe or extreme nonattainment area for ozone.

(C) Twenty-five TPY of VOCs in a severe nonattainment area for ozone.

(D) Ten TPY of VOCs in an extreme nonattainment area for ozone.

(E) Seventy TPY of PM-10 in a serious nonattainment area for PM-10.

(F) Fifty TPY of CO in a serious nonattainment area for CO.

(G) Seventy TPY of PM_{2.5} in a serious nonattainment area for PM_{2.5}.

(H) Seventy TPY of NOx in a serious nonattainment area for PM_{2.5}.

(I) Seventy TPY of SO_{2} in a serious nonattainment area for PM_{2.5}.

(J) Seventy TPY of VOCs in a serious nonattainment area for PM_{2.5}.

(K) Seventy TPY of ammonia in a serious nonattainment area for PM_{2.5}. 
(ii) For the purposes of applying the requirements of Chapter 127, Subchapter E to the
owner or operator of a facility located in an ozone nonattainment area or in an ozone transport
region which emits or has the potential to emit NOx, as follows:

(A) One hundred TPY or more of NOx in an ozone nonattainment area classified as
marginal, basic or moderate.

(B) One hundred TPY or more of NOx in an ozone nonattainment area classified as a
transitional, submarginal, or incomplete or no data area, when the area is located in an ozone
transport region.

(C) One hundred TPY or more of NOx in an area designated under section 107(d) of the
Clean Air Act (42 U.S.C.A. § 7407(d)) as attainment or unclassifiable for ozone that is located
in an ozone transport region.

(D) Fifty TPY or more of NOx in a serious nonattainment area for ozone.

(E) Twenty-five TPY or more of NOx in a severe nonattainment area for ozone.

(F) Ten TPY or more of NOx in an extreme nonattainment area for ozone.

(iii) A physical change that occurs at a facility which does not exceed the major facility
thresholds specified in Chapter 127, Subchapter E is considered a major facility if the change
constitutes a major facility by itself.

(iv) A facility which is major for VOCs or NOx is considered major for ozone.

(v) Notwithstanding the provisions under subparagraphs (i) and (ii), a facility which emits or
has the potential to emit 25 TPY or more of NOx or VOC and is located in Bucks, Chester,
Delaware, Montgomery or Philadelphia County.

*     *     *     *     *

Regulated NSR pollutant—

(i) NOx or VOCs.

(ii) A pollutant for which the EPA has promulgated a NAAQS.

(iii) A pollutant that is a constituent or precursor of a pollutant listed under subparagraph (i)
or (ii), if the constituent or precursor pollutant may only be regulated under NSR as part of
regulation of the pollutant listed under subparagraph (i) or (ii). Precursors identified by the
Administrator of the EPA for purposes of NSR are the following:

(A) VOCs and NOx are precursors to ozone in all ozone nonattainment areas.
(B) \( \text{SO}_2 \) [is a precursor], **VOCs and ammonia are precursors** to \( \text{PM}_{2.5} \) in all \( \text{PM}_{2.5} \) nonattainment areas.

(C) Nitrogen oxides are presumed to be precursors to \( \text{PM}_{2.5} \) in \( \text{PM}_{2.5} \) nonattainment areas unless the Department demonstrates to the satisfaction of the Administrator of the EPA or the Administrator of the EPA determines that \( \text{NO}_x \) emissions from a source in a specific area are not a significant contributor to that area’s ambient \( \text{PM}_{2.5} \) concentrations.

(iv) \( \text{PM}_{2.5} \) and PM-10 emissions, including gaseous emissions from a facility or activity that condense to form particulate matter at ambient temperatures, as specified in § 127.201(g) (relating to general requirements).

\[
\begin{array}{lcl}
* & * & * & * & * & *
\end{array}
\]

**Significant**—

(i) In reference to a net emissions increase or the potential of a facility to emit one of the following pollutants at a rate of emissions that would equal or exceed the following emissions rates except as specified in subparagraphs (ii)–(v):

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emissions Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon monoxide (CO):</td>
<td>100 TPY</td>
</tr>
<tr>
<td>Nitrogen oxides (NO(_x)):</td>
<td>40 TPY</td>
</tr>
<tr>
<td>Sulfur oxides (SO(_x)):</td>
<td>40 TPY</td>
</tr>
<tr>
<td>Ozone:</td>
<td>40 TPY of VOCs or 40 TPY of NO(_x)</td>
</tr>
<tr>
<td>Lead:</td>
<td>0.6 TPY</td>
</tr>
<tr>
<td>PM-10:</td>
<td>15 TPY</td>
</tr>
<tr>
<td>( \text{PM}_{2.5} ):</td>
<td>10 TPY of ( \text{PM}_{2.5} ); 40 TPY of ( \text{SO}_2 ); \textbf{40 TPY of VOCs}; \textbf{40 TPY of ammonia}: 40 TPY of ( \text{NO}_x ), unless the Department demonstrates to the EPA’s satisfaction or the EPA determines that the ( \text{NO}<em>x ) emissions are not a significant contributor to ( \text{PM}</em>{2.5} ) nonattainment in the area.</td>
</tr>
</tbody>
</table>

(ii) The emissions rate that is significant for VOCs in a serious or severe ozone nonattainment area is 25 TPY.

(iii) For purposes of applying Chapter 127, Subchapter E to the owner or operator of modifications at a major facility located in an ozone nonattainment area or in an ozone transport region that emits or has the potential to emit \( \text{NO}_x \), the emissions rate that is significant and other requirements for VOCs in subparagraphs (i) and (ii) apply to \( \text{NO}_x \) emissions.
(iv) The emissions rate that is significant for CO in a serious nonattainment area is 50 TPY if the EPA has determined that the affected facility contributes significantly to CO levels in that area.

(v) The emissions rate that is significant for VOCs in an extreme nonattainment area for ozone is any amount above zero.

* * * * *

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

Subchapter E. NEW SOURCE REVIEW


(a) The special permit requirements in this subchapter apply to an owner or operator of a facility to which a plan approval [will be] is issued by the Department after May 19, 2007, except the special permit requirements for precursors to PM<sub>2.5</sub>, which [will] apply as follows:

(1) NOx and SO<sub>2</sub> after September 3, 2011.

(2) VOCs and ammonia after _____________

(Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking).

(b) For SOx, PM<sub>2.5</sub>, PM-10, lead and CO, this subchapter applies until a given nonattainment area is redesignated as an unclassifiable or attainment area. After a redesignation, special permit conditions remain effective until the Department approves a permit modification request and modifies the permit.

§ 127.203. Facilities subject to special permit requirements.

(a) This subchapter applies to the construction of a new major facility or modification at an existing major facility located in a nonattainment area, an ozone transport region or an attainment or unclassifiable area which impacts a nonattainment area in excess of the following significance levels:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual 24 (hours) 8 (hours) 3 (hours) 1 (hours)</td>
</tr>
<tr>
<td>SO2</td>
<td>1.0 µg/m³ 5 µg/m³ - 25 µg/m³ -</td>
</tr>
<tr>
<td>PM-10</td>
<td>1.0 µg/m³ 5 µg/m³ - - -</td>
</tr>
</tbody>
</table>
CO - - 0.5 mg/m³ - 2 mg/m³

Lead - 0.1 µg/m³ - - -

PM$_{2.5}$ 0.2 µg/m³ 1.2 µg/m³ - - -


(a) The emissions offset ratios for NSR purposes and ERC transactions subject to the requirements of this subchapter must be in an amount equal to or greater than the ratios specified in the following table:

Required Emission Offsets For Existing Sources, Expressed in Tons per Year

<table>
<thead>
<tr>
<th>Pollutant/Area</th>
<th>Flue Emissions</th>
<th>Fugitive Emissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM-10 and SO$_x$</td>
<td>1.3:1</td>
<td>5:1</td>
</tr>
<tr>
<td><strong>Volatile Organic Compounds</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ozone Classification Areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe Areas</td>
<td>1.3:1</td>
<td>1.3:1</td>
</tr>
<tr>
<td>Serious Areas</td>
<td>1.2:1</td>
<td>1.3:1</td>
</tr>
<tr>
<td>Moderate Areas</td>
<td>1.15:1</td>
<td>1.3:1</td>
</tr>
<tr>
<td>Marginal/Incomplete Data Areas</td>
<td>1.15:1</td>
<td>1.3:1</td>
</tr>
<tr>
<td>Transport Region</td>
<td>1.15:1</td>
<td>1.3:1</td>
</tr>
<tr>
<td><strong>NO$_x$</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ozone Classification Areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe Areas</td>
<td>1.3:1</td>
<td>1.3:1</td>
</tr>
<tr>
<td>Serious Areas</td>
<td>1.2:1</td>
<td>1.2:1</td>
</tr>
<tr>
<td>Moderate Areas</td>
<td>1.15:1</td>
<td>1.15:1</td>
</tr>
<tr>
<td>Marginal/Incomplete Data Areas</td>
<td>1.15:1</td>
<td>1.15:1</td>
</tr>
<tr>
<td>Transport Region</td>
<td>1.15:1</td>
<td>1.15:1</td>
</tr>
<tr>
<td><strong>Carbon Monoxide</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Nonattainment Areas</td>
<td>1.1:1</td>
<td>1.1:1</td>
</tr>
<tr>
<td><strong>Lead</strong></td>
<td>1.1:1</td>
<td>1.1:1</td>
</tr>
<tr>
<td><strong>PM$_{2.5}$</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM$_{2.5}$ Nonattainment Area</td>
<td>1:1</td>
<td>1:1</td>
</tr>
<tr>
<td>PM$_{2.5}$ Precursors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SO$_2$</td>
<td>1:1</td>
<td>1:1</td>
</tr>
</tbody>
</table>
(b) In complying with the emissions offset requirements of this subchapter, the emission offsets obtained shall be of the same NSR regulated pollutant unless interpollutant offsetting is authorized for a particular pollutant in accordance with subsection (c).

(c) The Department may, based on a technical assessment, establish interpollutant trading ratios for offsetting PM$_{2.5}$ emissions or PM$_{2.5}$ precursor emissions in a specific nonattainment area or geographic area in this Commonwealth. The interpollutant trading ratios shall be subject to public review and comment for at least 30 days prior to submission to the EPA for approval as a SIP revision.

(d) If the EPA promulgates PM$_{2.5}$ interpollutant trading ratios in 40 CFR Part 51 (relating to requirements for preparation, adoption, and submittal of implementation plans), the ratios will be adopted and incorporated by reference.

Subchapter H. GENERAL PLAN APPROVALS AND OPERATING PERMITS

USE OF PLAN APPROVALS AND OPERATING PERMITS FOR PORTABLE SOURCES

§ 127.641. Application for use of plan approvals and operating permits for portable sources.

(a) A source proposing to use a plan approval or an operating permit for a portable source shall notify the Department on a form provided by the Department and receive prior written approval from the Department prior to operating under the plan approval and operating permit for portable sources.

(b) For applications for sources operating at multiple temporary locations the following apply:

(1) A separate application form and fee may be required to be submitted for each location.

(2) The applicant shall notify the Department and the municipality where the operation shall take place in advance of each change in location.

(c) The application required by this section shall be [either hand delivered or transmitted by certified mail return receipt requested] submitted to the Department.

(d) The Department will take action on the application within 30 days of receipt.