

thereof to be furnished to the Department. The applicant shall pay for the cost of all public hearings and transcripts under this Paragraph.

§2102.06 MAJOR SOURCES LOCATING IN OR IMPACTING A NONATTAINMENT AREA *{Amended March 23, 2012, effective April 3, 2012. Subsection f amended November 13, 2014, effective January 1, 2015. Subsections a, b & g amended February 21, 2019, effective March 3, 2019.}*

- a. **Applicability.** This Section shall apply to any new major facility, as defined by 25 Pa. Code 121.1 and to any major modification of an existing source which is located in a nonattainment area or transport region of the County or which will have a significant air quality impact on any nonattainment area or transport region. Procedures in 25 Pa. Code 127.203a shall be followed in determining whether any modification at a major source is determined to be a major modification.
1. Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulation for New Source Review Applicability Determination promulgated under the Air Pollution Control Act at 25 Pa. Code §127.203 (except 127.203(b)), 127.203a, and 127.204, which are hereby incorporated by reference into this Subsection. All terms used in 25 Pa Code 127.203 (except 127.203(b)), 127.203a, and 127.204, and defined in 25 Pa. Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
2. For purposes of this Subsection:
 - A. “Department” shall mean Department as defined under this Article;
 - B. “Plan Approval” shall mean Installation Permit;
 - C. At Subparagraph (i) under the definition of “Major Facility,” found at 25 Pa. Code §121.1, the following additional “lower emissions thresholds” shall apply:
 1. Seventy TPY of PM_{2.5} in a serious nonattainment area for PM_{2.5}.
 2. Seventy TPY of NO_x in a serious nonattainment area for PM_{2.5}.
 3. Seventy TPY of SO₂ in a serious nonattainment area for PM_{2.5}.
 4. Seventy TPY of VOCs in a serious nonattainment area for PM_{2.5}.
 5. Seventy TPY of ammonia in a serious nonattainment area for PM_{2.5}.
 - D. Subsubparagraph (iii)(B) of the definition of “Regulated NSR pollutant” shall read as follows: “SO₂, VOCs and ammonia are precursors to PM_{2.5} in all PM_{2.5} nonattainment areas.”
 - E. Subparagraph (i) of the definition of “Significant” shall read as follows with respect to the Emission Rate for PM_{2.5}:
“10 TPY of PM_{2.5}; 40 TPY of SO₂; 40 TPY of VOCs; 40 TPY of ammonia; 40 TPY of NO_x, unless the Department demonstrates to the EPA’s satisfaction or EPA determines that the NO_x emissions are not a significant contributor to PM_{2.5} nonattainment in the area.” And;
 - F. “Significance level(s)” shall mean “significant air quality impact” as defined under this Article.
3. **Circumvention.** Regardless of the exemptions provided in this section, an owner or other person may not circumvent this section by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit or submission of an installation permit application. In determining the LAER standard for

such increments, the Department shall consider the stage of construction of each increment and the feasibility of installing additional air pollution controls on each.

- b. **Conditions for Approval.** The Department shall not issue an Installation Permit, or issue, amend, modify, or reissue a related Operating Permit, for any source to which this Section applies unless the applicant demonstrates that all of the following conditions are met:
1. Except as otherwise specifically provided under this Subsection, conditions for approval of an installation permit shall be applied consistent with the provisions of the state regulation for New Source Review promulgated under the Air Pollution Control Act at 25 Pa. Code §127.201 through 127.205 (except 127.201(f)), which are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code§127.201 through 127.205 (except 127.201(f), and defined in 25 PA Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
 2. For purposes of this Subsection:
 - A. "Department" shall mean Department as defined under this Article;
 - B. "Plan approval" shall mean Installation Permit;
 - C. "Title V Permit" shall mean an Operating Permit issued under Subpart C;
 - D. "Responsible official" shall mean Responsible Official as defined under this Article;
 - E. Public notification procedures shall follow the requirements of §2102.03, 2103.04, 2102.05, and 2102.06; and
 - F. "EHB" shall mean the "Department under Article XI."
 - G. At Subparagraph (i) under the definition of "Major Facility," found at 25 Pa. Code §121.1, the following additional "lower emissions thresholds" shall apply:
 1. Seventy TPY of PM_{2.5} in a serious nonattainment area for PM_{2.5}.
 2. Seventy TPY of NO_x in a serious nonattainment area for PM_{2.5}.
 3. Seventy TPY of SO₂ in a serious nonattainment area for PM_{2.5}.
 4. Seventy TPY of VOCs in a serious nonattainment area for PM_{2.5}.
 5. Seventy TPY of ammonia in a serious nonattainment area for PM_{2.5}.
 - H. Subsubparagraph (iii)(B) of the definition of "Regulated NSR pollutant" shall read as follows: "SO₂, VOCs and ammonia are precursors to PM_{2.5} in all PM_{2.5} nonattainment areas."
 - I. Subparagraph (i) of the definition of "Significant" shall read as follows with respect to the Emission Rate for PM_{2.5}: "10 TPY of PM_{2.5}; 40TPY of SO₂; 40TPY of VOCs; 40TPY of ammonia; 40TPY of NO_x, unless the Department demonstrates to the EPA's satisfaction or EPA determines that the NO_x emissions are not a significant contributor to PM_{2.5} nonattainment in the area."

J. 25 Pa. Code §127.202(a), "Effective date," shall read as follows:

“(a) The special permit requirements in this subchapter apply to an owner or operator of a facility to which a plan approval is issued by the Department after May 19, 2007, except the special permit requirements for PM_{2.5} and precursors to PM_{2.5} which apply as follows:

- (1) PM_{2.5}, NO_x and SO₂ after September 3, 2011
- (2) VOCs and ammonia after March 3, 2019.

And;

K. "Significance level(s)" shall mean "significant air quality impact" as defined under this Article.

3. Emission Offsets.

The applicant shall demonstrate that it has secured emission reduction credits from the state ERC registry system to offset allowable emissions and fugitive dust emissions from the proposed new source or the proposed modification by at least the ratios set forth below.

A. Incorporation by Reference. Except as otherwise specifically provided under this Subsection, the state regulations for the use of Emission Reduction Credits and offset ratios promulgated under the Air Pollution Control Act at 25 Pa. Code §§127.206 through 127.210 inclusive, are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code 127.206 through 127.210 inclusive, and defined in 25 PA Code Section 121.1, are incorporated by reference except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

B. For purposes of this Subsection:

- 1. Plan approval" shall mean Installation Permit;
- 2. For 25 Pa. Code §§ 127.206 through 127.210 (except 127.206(d)(2), 127.207(3)(vii), 127.208 (5), 127.209(a) and 127.209 (e)), "Department" shall mean Department as defined under this Article; and
- 3. At Subparagraph (i) under the definition of "Major Facility," found at 25 Pa. Code §121.1, the following additional "lower emissions thresholds" shall apply:
 - aa. Seventy TPY of PM_{2.5} in a serious nonattainment area for PM_{2.5}.
 - bb. Seventy TPY of NO_x in a serious nonattainment area for PM_{2.5}.
 - cc. Seventy TPY of SO₂ in a serious nonattainment area for PM_{2.5}.
 - dd. Seventy TPY of VOCs in a serious nonattainment area for PM_{2.5}.
 - ee. Seventy TPY of ammonia in a serious nonattainment area for PM_{2.5}.

4. 25 Pa. Code §127.210, “Offset ratios,” Subsection (a) shall read as follows for the PM_{2.5} offset levels:

<u>Pollutant/Area</u>	<u>Flue Emissions</u>	<u>Fugitive Emissions</u>
.....		
PM _{2.5}		
PM _{2.5} Nonattainment Area		
PM _{2.5}	1:1	1:1
PM _{2.5} Precursors		
SO ₂	1:1	1:1
NO _x	1:1	1:1
VOCs	1:1	1:1
Ammonia	1:1	1:1

- c. **Temporary Sources.** Temporary sources shall not be required to comply with net air quality benefit and offsets requirements.
- d. **Fuel Switches.** The Department may issue an Installation Permit for the modification of an existing source which is required to switch fuels pursuant to a federal order or fuel curtailment plan if:
1. The applicant demonstrates that it has used all best efforts to secure all available offsets; and,
 2. The applicant is made subject to a permit condition requiring it to use all best efforts to secure additional offsets until the requirements of Paragraph b.3 are met.
- e. **Portable facilities.** Incorporation by Reference. The state regulations for portable facilities under the Air Pollution Control Act at 25 Pa. Code §§127.212 are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code §§127.212 and defined in 25 PA Code Section 121.1 are incorporated by reference. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
- f. **Requirements for Modeling.** Where air quality models are used to meet the provisions of this Section, modeling shall be based on the applicable models and other requirements specified in 40 CFR Part 51 Appendix W (Guideline on Air Quality Models). Where an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model may be substituted only on a case-by-case basis at the Department's discretion upon written approval by the Administrator of EPA. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures set forth in 40 CFR 51.102.
- g. **Plantwide Applicability Limit (PALs).**
- The Plantwide Applicability Limits (PALs) regulations in 25 Pa. Code §127.218 are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code §127.218 and defined in 25 PA Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

For purposes of this Subsection:

1. Public notification procedures shall follow the requirements of §2102.03, 2103.04, 2102.05, and 2102.06;
2. “Plan approval” shall mean Installation Permit; and
3. “Department” shall mean the Allegheny County Health Department.

4. At Subparagraph (i) under the definition of “Major Facility,” found at 25 Pa. Code §121.1, the following additional “lower emissions thresholds” shall apply:
 - A. Seventy TPY of PM_{2.5} in a serious nonattainment area for PM_{2.5}.
 - B. Seventy TPY of NO_x in a serious nonattainment area for PM_{2.5}.
 - C. Seventy TPY of SO₂ in a serious nonattainment area for PM_{2.5}.
 - D. Seventy TPY of VOCs in a serious nonattainment area for PM_{2.5}.
 - E. Seventy TPY of ammonia in a serious nonattainment area for PM_{2.5}.
5. Subparagraph (i) of the definition of “Significant” shall read as follows with respect to the Emission Rate for PM_{2.5}:
 “10 TPY of PM_{2.5}; 40 TPY of SO₂; 40 TPY of VOCs; 40 TPY of ammonia; 40 TPY of NO_x, unless the Department demonstrates to the EPA’s satisfaction or EPA determines that the NO_x emissions are not a significant contributor to PM_{2.5} nonattainment in the area.” And;
6. “Significance level(s)” shall mean “significant air quality impact” as defined under this Article.

§2102.07 PREVENTION OF SIGNIFICANT DETERIORATION

{Subsection a amended September 6, 1995, effective October 20, 1995, Subsection a modified January 22, 1998 effective March 31, 1998. Subsection d amended August 29, 2013, effective September 23, 2013.}

- a. **General Provisions.** The Prevention of Significant Deterioration (PSD) requirements as promulgated in 40 CFR §52.21 by the Administrator of the EPA pursuant to Section 161 of the Clean Air Act are hereby adopted in their entirety and incorporated herein by reference. For the purposes of this Section all of the definitions adopted by the federal regulations in this subsection are hereby incorporated by reference, including those of source and major source. Additions, revisions, or deletions to the PSD requirements adopted by EPA are incorporated into this Article and are effective on the date established by the Federal regulations, unless otherwise established by regulation of the Department.
- b. **Permits.** Notwithstanding the issuance of any Installation Permit pursuant to this Article, no person shall commence the construction of, and no Operating Permit shall be issued pursuant to this Article for, any new or modified major source in an attainment or unclassified area of the County until such person has obtained a PSD Permit from the Department or has obtained a written determination from the Department that a PSD Permit is not required for such source under the applicable statutes, regulations, or other laws.
- c. **Exemption.** The PSD provisions of this Article shall not apply to sources of hazardous air pollutants as defined in Part A of this Article.
- d. **Violation.** It shall be a violation of this Article giving rise to the remedies provided by Section 2109.02 of this Article for any person to commence construction of or to allow construction to commence on, or to own, operate, or allow to be operated, any new or modified major source in an attainment or unclassified area of the County in a manner that does not comply with all PSD requirements as promulgated by the EPA and incorporated herein.