

(e) This final-form rulemaking will be submitted to the EPA as a revision to the Commonwealth's SIP.

(f) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,
Chairperson

(Editor's Note: See 49 Pa.B. 6649 (November 2, 2019) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7-551 remains valid for the final adoption of the subject regulations.

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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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 NO_x in a serious nonattainment area for PM_{2.5}.

(I) Seventy TPY of SO₂ 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 NO_x, as follows:

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

(B) One hundred TPY or more of NO_x 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 NO_x 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 NO_x in a serious nonattainment area for ozone.

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

(F) Ten TPY or more of NO_x 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 NO_x 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 NO_x or VOC and is located in Bucks, Chester, Delaware, Montgomery or Philadelphia County.

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Regulated NSR pollutant—

(i) NO_x 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 NO_x are precursors to ozone in all ozone nonattainment areas.

(B) SO₂, VOCs and ammonia are precursors to PM_{2.5} in all PM_{2.5} nonattainment areas.

(C) Nitrogen oxides are presumed to be precursors to PM_{2.5} in 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 NO_x emissions from a source in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.

(iv) 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).

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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):

<i>Pollutant</i>	<i>Emissions Rate</i>
Carbon monoxide (CO):	100 TPY
Nitrogen oxides (NO _x):	40 TPY
Sulfur oxides (SO _x):	40 TPY
Ozone:	40 TPY of VOCs or 40 TPY of NO _x
Lead:	0.6 TPY
PM-10:	15 TPY
PM _{2.5} :	10 TPY of PM _{2.5} ; 40 TPY of SO ₂ ; 40 TPY of VOCs; 40 TPY of ammonia; 40 TPY of NO _x , unless the Department demonstrates to the EPA's satisfaction or the EPA determines that the NO _x emissions are not a significant contributor to PM _{2.5} nonattainment in the area.

(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 NO_x, the emissions rate that is significant and other requirements for VOCs in subparagraphs (i) and (ii) apply to 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.

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

Subchapter E. NEW SOURCE REVIEW

§ 127.202. Effective date.

(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 precursors to PM_{2.5}, which apply as follows:

- (1) NO_x and SO₂ after September 3, 2011.
- (2) VOCs and ammonia after December 21, 2019.

(b) For SO_x, PM_{2.5}, 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:

<i>Pollutant</i>	<i>Averaging time</i>				
	<i>Annual</i>	<i>24 (hours)</i>	<i>8 (hours)</i>	<i>3 (hours)</i>	<i>1 (hours)</i>
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	-
PM-10	1.0 µg/m ³	5 µg/m ³	-	-	-
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
Lead	-	0.1 µg/m ³	-	-	-
PM _{2.5}	0.2 µg/m ³	1.2 µg/m ³	-	-	-
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§ 127.210. Offset ratios.

(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

<i>Pollutant / Area</i>	<i>Flue Emissions</i>	<i>Fugitive Emissions</i>
PM-10 and SO _x	1.3:1	5:1
Volatile Organic Compounds		
Ozone Classification Areas		
Severe Areas	1.3:1	1.3:1
Serious Areas	1.2:1	1.3:1
Moderate Areas	1.15:1	1.3:1
Marginal/Incomplete Data Areas	1.15:1	1.3:1
Transport Region	1.15:1	1.3:1
NO _x		
Ozone Classification Areas		
Severe Areas	1.3:1	1.3:1
Serious Areas	1.2:1	1.2:1
Moderate Areas	1.15:1	1.15:1