

<i>Pollutant</i>	<i>Emissions Rate</i>
Carbon monoxide (CO):	100 TPY
Nitrogen oxides (NO <sub>x</sub> ):	40 TPY
Sulfur oxides (SO <sub>x</sub> ):	40 TPY
Ozone:	40 TPY of VOCs or 40 TPY of NO <sub>x</sub>
Lead:	0.6 TPY
PM-10:	15 TPY
PM <sub>2.5</sub> :	10 TPY of PM <sub>2.5</sub> ; 40 TPY of SO <sub>2</sub> ; 40 TPY of VOCs; 40 TPY of ammonia; 40 TPY of NO <sub>x</sub> , unless the Department demonstrates to the EPA's satisfaction or the EPA determines that the NO <sub>x</sub> emissions are not a significant contributor to PM <sub>2.5</sub> 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<sub>x</sub>, the emissions rate that is significant and other requirements for VOCs in subparagraphs (i) and (ii) apply to NO<sub>x</sub> 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<sub>2.5</sub>, which apply as follows:

- (1) NO<sub>x</sub> and SO<sub>2</sub> after September 3, 2011.
- (2) VOCs and ammonia after December 21, 2019.

(b) For SO<sub>x</sub>, 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:

<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 <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	25 µg/m <sup>3</sup>	-
PM-10	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
Lead	-	0.1 µg/m <sup>3</sup>	-	-	-
PM <sub>2.5</sub>	0.2 µg/m <sup>3</sup>	1.2 µg/m <sup>3</sup>	-	-	-
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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 <sub>x</sub>	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 <sub>x</sub>		
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

*Required Emission Offsets for Existing Sources, Expressed in Tons per Year*

<i>Pollutant/Area</i>	<i>Flue Emissions</i>	<i>Fugitive Emissions</i>
Marginal/Incomplete Data Areas	1.15:1	1.15:1
Transport Region	1.15:1	1.15:1
Carbon Monoxide		
Primary Nonattainment Areas	1.1:1	1.1:1
Lead	1.1:1	1.1:1
PM <sub>2.5</sub>		
PM <sub>2.5</sub> Nonattainment Area		
PM <sub>2.5</sub>	1:1	1:1
PM <sub>2.5</sub> Precursors		
SO <sub>2</sub>	1:1	1:1
NO <sub>x</sub>	1:1	1:1
VOCs	1:1	1:1
Ammonia	1:1	1:1

(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<sub>2.5</sub> emissions or PM<sub>2.5</sub> 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<sub>2.5</sub> 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 submitted to the Department.

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

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## **Title 67—TRANSPORTATION**

### **DEPARTMENT OF TRANSPORTATION**

#### **[ 67 PA. CODE CH. 105a ]**

#### **Automated Speed Enforcement Systems; Temporary Regulations**

The Department of Transportation (Department) under the act of October 19, 2018 (P.L. 563, No. 86) (75 Pa.C.S. §§ 3368 and 3369 (relating to speed timing devices; and automated speed enforcement systems in active work zones)) (act), promulgates these temporary regulations pertaining to the certification and use of automated speed enforcement systems (systems), as set forth in Annex A.

##### *Purpose*

The purpose of this Chapter 105a (relating to automated speed enforcement systems—temporary regulations) is to set forth temporary regulations governing the certification and use of systems, including the approval, testing, certification and calibration of speed timing devices used in systems. Section 3369(h)(2) of 75 Pa.C.S. grants authority to the Department to promulgate temporary regulations for the certification and the use of systems.

##### *Significant Provisions of the Temporary Rulemaking*

The significant provisions of Chapter 105a include:

Sections 105a.1 and 105a.2 (relating to purpose; and definitions) set forth the purpose of the chapter and definitions, respectively. The definitions applicable to this temporary rulemaking are consistent with the definitions set forth in 75 Pa.C.S. §§ 3368 and 3369, except where there is a need to define a term not defined by statute.

Section 105a.3 (relating to system and speed timing device minimum requirements) establishes minimum requirements for systems and speed timing devices, including the requirements for the approval of speed timing devices utilized in systems. Notably, minimum requirements delineate several technical requirements that systems must possess to comply with the limitations and plain meaning of the act.

Section 105a.4 (relating to system and speed timing device use and certification) sets forth criteria for the use of systems, including speed timing devices used in systems, which includes system testing, certification and calibration consistent with existing law and the act.