

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS, ARTICLE XXI  
AIR POLLUTION CONTROL**

**PART C - OPERATING PERMITS**

**SUBPART 1 - OPERATING PERMITS (All Major & Minor Permits)**

**§2103.10 APPLICABILITY, PROHIBITIONS, RECORDS** *{Paragraphs b.1, 6, 9, 10, & 12 and c.2, &*

*Subparagraph c.2.B amended September 6, 1995, effective October 20, 1995}*

- a. **Applicability.** This Subpart shall apply to all sources and air pollution control equipment, including those subject to Section 2103.20 of this Part, located within the County, except those exempted under Subsection b of this Section.
  
- b. **Exemptions.** Sources consisting solely of the following, and modifications consisting solely of the following and complying with §2103.14.e.5, are exempted from the obligation to obtain Operating Permits, or to modify Operating Permits, under this Subpart or Subpart 2 of this Part and to obtain Installation Permits under Part B of this Article, except if specifically required to be permitted under §2103.20.a or modified under §2103.14 or §2103.24 of this Article:
  1. All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation;
  2. Abrasive blasting of any surface, structure, or part thereof subject to, or expressly exempt from, §2105.51 of this Article, except for blasting which is part of a process not otherwise exempt from this Section;
  3. Open burning;
  4. Fuel-burning or combustion equipment having a net load rating of 500,000 BTU per hour or less, if such equipment is fully or partially fired with coal;
  5. Fuel-burning or combustion equipment having a net load rating of 2,500,000 BTU per hour or less, if such equipment is fired only with fuels other than coal, but fully or partially with fuels other than those set forth under Paragraph 6 below;
  6. Fuel-burning or combustion equipment having a net load rating of 10,000,000 BTU per hour or less, if such equipment is fired only with natural gas supplied by a public utility, liquified petroleum gas, or by commercial virgin fuel oils which are No. 2 or lighter, have a viscosity less than or equal to 5.82 c St, meet all sulfur content requirements for permitted sources, meet all sulfur dioxide emission limit requirements of §2104.03 of this Article, and contain no reprocessed, recycled, or waste material;
  7. Space heaters which heat by direct heat transfer;
  8. Domestic heating plants and domestic refuse-burning equipment;

9. All sources that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA §§60.530 et seq. - Standards of Performance for New Residential Wood Heaters;
10. Laboratory equipment used exclusively for chemical or physical analyses;
11. Motor vehicles and other mobile sources;
12. Other sources and classes of sources, and physical changes to sources, determined to be of minor significance by the DEP pursuant to 25 Pa. Code §127.14(a)(8) & (9) and (d), which are incorporated by reference, or by the Department in accordance with criteria and guidance published by the DEP. Additions, revisions, or deletions to the list of sources and classes of sources, and physical changes, so determined pursuant to 25 Pa. Code §127.14(a)(8) & (9) and (d) are incorporated into this Article and are effective on the date established by the State regulations, unless otherwise established by regulation under this Article;
13. Any fuel-burning equipment, gas turbine, or internal combustion engine with an annual capacity factor of less than 5%, that operates less than 500 hours in any consecutive 12-month period, and which is used solely for emergency power generation;
14. Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.

c. **Prohibitions.**

1. **Prohibition of Operating Without a Permit.** Except as otherwise expressly provided under this Subpart, no source subject to this Subpart may be operated, or allowed to operate, after the time a complete Operating Permit application for such source is required to be submitted under this Part, except in compliance with an Operating Permit issued under this Subpart.
2. **Exception.** If a timely and complete application for an Operating Permit or renewal or modification of an Operating Permit is submitted for a source under this Subpart, and through no fault of the applicant such permit has not yet been issued, the failure of such source to have a permit under this Subpart is not a violation of this Article until the Department takes final action on the permit application, but only if during the period in which the Department is reviewing the application for such permit:
  - A. Any and all required Installation Permits have been issued for such source or equipment pursuant to this Article, and in the case of a source subject to Subpart 2 of this Part such Installation Permits have been subject to public review under §2102.04.h or §2102.05 of this Article and are federally enforceable;
  - B. The source or equipment is being operated in compliance with §2102.04.g above and all terms and conditions contained in any required Installation Permits;
  - C. The source or equipment is being operated in compliance with all terms and conditions contained in any currently applicable issued Operating Permits;
  - D. The source or equipment is being operated in compliance with all applicable requirements under this Article;
  - E. To the extent not inconsistent with subparagraphs B, C, and D above, the source or equipment is being operated in compliance with all terms and conditions contained in

the pending Operating Permit application;

F. The Department has determined that operation of the source or equipment during such period is not likely to prevent the attainment and maintenance of any ambient air quality standard established by this Article, endanger the public health, safety, or welfare, or otherwise interfere with the purposes of this Article; and

G. The applicant has not failed to submit by the deadlines specified in writing by the Department any additional information identified as being needed to process the application.

3. **Prohibition of Operation in Violation of Conditions.** 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 fail to comply with any terms or conditions set forth in any permit issued pursuant to this Subpart.

### §2103.11 APPLICATIONS

*{Paragraph a.2 & Subsections b, d, e, f, & g amended & h added September 6, 1995, effective October 20, 1995}*

a. **Generally.**

1. The submittal of a complete application under this Subpart shall not affect any other requirements that any source has under this Article.

2. Except for major sources, where a source only requires one permit, multiple permits, each for a portion of the source, may be applied for, but only where the issuance of such multiple permits is determined by the Department to be in the best interest of administratively efficient and effective permitting and regulatory enforcement of the source. Such separate permits can not, however, act to change any of the applicable requirements for the source or any of the applicable emission fees. In addition, all of the separate permits will each require the same administrative fees as the one permit would have required.

b. **Content Requirements.** All applications under this Subpart shall provide all of the following information sufficient for the Department to evaluate the subject source, including all activities which are exempted because of size or production rate, and to determine all applicable requirements, including fee amounts, on standard application forms provided by the Department:

1. Identifying information, including operator company name and address, plant name and address if different from the company name, owner's name and agent, and telephone numbers, names, and titles of plant site manager and contact person.

2. A description of the source's processes and products (by Standard Industrial Classification Code) including any associated with each alternative operating scenario identified by the source pursuant to this Section.

3. The following emissions-related information for all emissions of regulated air pollutants:

A. The nature and amounts of all emissions of regulated air pollutants emitted from any emissions unit and from all associated mobile sources, including all fugitive emissions in the same manner as stack emissions;

B. Identification and description of all points of emissions in sufficient detail to establish the basis for fees and applicability of requirements of this Article;

- C. Potential and actual emissions rates in tons per year (tpy) and in such units as are necessary to establish compliance consistent with the applicable standard reference test methods;
  - D. Types and amounts of fuels used, types and amounts of raw materials used, production rates, and operating schedules to the extent it is needed to determine or regulate emissions;
  - E. Identification and description of air pollution control equipment and compliance monitoring devices or activities;
  - F. Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated air pollutants at the source;
  - G. Other information required by any applicable requirement, including information related to any applicable stack height limitations, and all other emission characteristics including all stack or emission point parameters; and
  - H. Calculations on which the information in subparagraphs A through G of this paragraph is based.
4. The following air pollution control requirements information:
- A. Citation and description of all applicable emissions limitations and operating, monitoring, recordkeeping, reporting, and permitting requirements; and
  - B. Description of or reference to any applicable test method for determining compliance with each applicable requirement.
5. Other specific information that may be necessary to implement and enforce other applicable requirements of this Article, to determine the applicability of such requirements, or to establish a federally enforceable emissions cap.
6. An explanation of any proposed exemptions from otherwise applicable requirements.
7. Additional information as determined to be necessary by the Department to define alternative operating scenarios identified by the source pursuant to this Subpart or to define any permit terms and conditions.
8. A compliance plan, and schedule if necessary, for all sources that contains all of the following:
- A. A description of the compliance status of the source with respect to all applicable requirements;
  - B. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;
  - C. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis, including a detailed schedule if expressly required by the applicable requirement;
  - D. For requirements for which the source is not in compliance at the time of permit issuance,

a narrative description of how the source will achieve compliance with such requirements;

- E. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance:
  - i. Including a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with all applicable requirements for which the source will be in noncompliance at the time of permit issuance; and
  - ii. That is at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based; and
- F. A schedule for submission of certified progress reports no less frequently than every six (6) months for sources required to have a schedule of compliance to remedy a violation.

9. Requirements for compliance certification, including the following:

- A. A certification of compliance with all applicable requirements by a responsible official consistent with the requirements for such certification under §2102.01 of this Article;
- B. A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods; and
- C. A schedule for submission of compliance certifications during the permit term, to be submitted at least annually, or more frequently if specified by the underlying applicable requirement or by the Department.

c. **Annual Operating Permit Application/Administration Fee and Additional Annual Fees.** On the date that an application for an Operating Permit is submitted under this Subpart, and on or before the last day of the month in which such application was submitted in each year thereafter, while such application is being reviewed and then during the term of any permit subsequently issued, the owner or operator of such source shall submit to the Department, in addition to all applicable emission fees, all applicable administration fees in amounts determined under, and in accordance with, the requirements of Subpart 4 of this Part.

d. **Initial Review.**

- 1. **Completeness.** Unless the Department notifies the applicant of its determination that an application under this Subpart is not complete, or requests additional information from the applicant, within 60 days of receipt of the application, including all applicable fees, such application shall be deemed to be complete.
  - A. The Department will determine if an application is complete within 60 days from receipt of the application. An application is complete if it contains sufficient information to determine all applicable requirements and begin processing the application, has the applicable sections completed, and has been signed by a responsible official.
  - B. Except as provided in §2103.01 of this Article, the Department will approve or disapprove a complete application within 18 months after the date of receipt of a complete application.

- C. The submission of a complete application does not affect the requirement to obtain an Installation Permit as required by this Article.

2. **Supplemental Information.**

- A. The applicant shall provide additional information as necessary to address requirements that become applicable to the source after the date it files a complete application but prior to the Department taking action on the permit application.
- B. The applicant shall provide supplementary facts or corrected information upon becoming aware that it has submitted incorrect information or failed to submit relevant facts.
- C. Except as otherwise required by this Article, the Clean Air Act, or the regulations thereunder, the permittee shall submit additional information as necessary to address changes occurring at the source after the date it files a complete application but prior to the Department taking action on the permit application.
- D. The applicant shall submit information requested by the Department which is reasonably necessary to evaluate the permit application.

- e. **Public Notice of Preliminary Approval.** All permit proceedings under this Subpart, including initial permit issuance, modifications, and renewals, shall include the following procedures for public notice including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:

- 1. Notice shall be given: by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice; and by other means if deemed necessary by the Department to assure adequate notice to the affected public;
- 2. The notice shall identify the source and its location; the name and address of the permittee; the name and address of the County Health Department Bureau of Environmental Quality; the activity or activities involved in the permit action; the emissions changes involved in any permit modification; the name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the draft permit, the application, the compliance plan, monitoring and compliance certifications, all relevant supporting materials, and all other materials available to the Department that are relevant to the permit decision; a brief description of the comment procedures under this Subsection; and a statement of procedures to request a hearing;
- 3. The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing, except for minor modification applications which shall only require a 21 day public comment period; and
- 4. For at least two years following final action on an application, the Department shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public.

- f. **Final Action.**

Unless otherwise specifically provided under this Part, within 18 months of the date of a submittal of a complete application, including all applicable fees, for an Operating Permit under this Subpart, including applications for permit modifications and renewals, the Department shall take final action on such application, except that for initial permit applications submitted under Section 2103.01 of this Part, the

Department shall take final action on such application within 18 months of a complete submittal of an application or within the specific applicable deadline set forth under Section 2103.01, whichever is later. A failure by the Department to take action in accordance with this Subsection constitutes a final action by the Department for the sole purpose of being appealable. The Court of Common Pleas may require that the Department take action on an application without further delay.

g. **Advance Notice.**

In addition to all other notice requirements under this Part, the Department shall cause to be published a public notice of all permit applications received as soon as is practicable after such applications have been deemed to be complete. At the time of publication of such notice, the applicant shall cause a copy of such notice to be sent to all municipalities in which the source for which the application has been submitted is located as required by Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5).

h. **Miscellaneous Notice Requirements.**

Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.424, 127.425, & 127.431, and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

### **§2103.12 ISSUANCE, STANDARD CONDITIONS**

*{Subparagraphs a.2.G, H, I, & J added, Subsection c deleted, and Paragraphs e.1, f.7, & n.1 & Subparagraph h.2.B amended September 6, 1995, effective October 20, 1995, Subparagraph e.3 added January 22, 1998 effective March 31, 1998}*

a. **Standards for Issuance.** The Department shall not issue or reissue any Operating Permit, or any amended, revised, or modified Operating Permit, under this Subpart, unless it has:

1. Conducted, or has caused to be conducted, such tests, observations, inspections, and the like necessary to evaluate compliance with this Section;
2. Received a complete application, including all applicable fees, meeting all applicable requirements of this Article, and which demonstrates that:
  - A. The source or air pollution control equipment was constructed or modified in compliance with all terms and conditions contained in all applicable Installation Permits;
  - B. The source complies with all applicable emission limitations established by this Article, or where no such limitations have been established by this Article, RACT has been applied to existing sources with respect to those pollutants regulated by this Article;
  - C. The conditions of the permit provide for and require compliance with all applicable requirements, including but not limited to all applicable requirements of this Article and all applicable NSPS's, existing and new source MACT standards, Generally Achievable Control Technology (GACT) standards, all regulations promulgated by EPA under §112(r) of the Clean Air Act, and NESHAP's established by the EPA, and where no applicable MACT emission limitations have been established by EPA after the federal deadline set for such establishment, such determinations of MACT as shall be made on a case-by-case basis by the Department;

- D. For new sources, BACT has been applied;
  - E. Emissions from the source will not endanger the public health, safety, or welfare;
  - F. Emissions from the source will not prevent the attainment and maintenance of any ambient air quality standard established by Section 2101.10 of this Article at any location within the Commonwealth, nor will such emissions interfere with reasonable further progress toward the attainment of the NAAQS's; provided, however, that nothing herein contained shall preclude the applicant from agreeing to a more stringent emission limitation than established by this Article or securing enforceable emission reductions from existing sources so that such prevention or interference will not occur;
  - G. For new or reconstructed major sources of hazardous air pollutants or modifications of such sources, the proposed source or modification will comply with all applicable MACT standards, and where no applicable MACT emission limitation has been established by EPA, such determination of MACT as shall be made on either a case-by-case or source category basis by the Department under federal regulations promulgated pursuant to §112(g) of the Clean Air Act. A person appealing the establishment of a performance or emission standard by the Department under this Subparagraph shall have the burden to demonstrate that the performance or emission standard does not meet the requirements of §112 of the Clean Air Act;
  - H. The standards established under this Section shall be incorporated into the Installation Permit of each source within the category or subcategory for which a MACT requirement has been established. The Department has the authority to require, in the Installation Permit, reasonable monitoring, recordkeeping, and reporting requirements for sources which emit hazardous air pollutants;
  - I. In addition to the requirements of this Section, the Department is authorized to require that new sources demonstrate in the Installation Permit application that the source will reduce or control emissions of air pollutants, including hazardous air pollutants, by using BACT; and
  - J. For purposes of the regulation of hazardous air pollutants under §112 of the Clean Air Act, the term performance standard includes design, equipment, work practice, and operational standards or a combination thereof; and
3. Complied with all applicable public notice and participation requirements under this Subpart.
- b. **Prohibition of Default Issuance.** No operating permit under this Part, including a permit renewal or modification, shall be issued after a certain time because the Department has failed to take action on the application, nor shall any such permit be issued by default.
  - c. {reserved}
  - d. **Non-Complying Sources.** An Operating Permit may be issued under this Subpart for an existing source which cannot demonstrate compliance with the applicable emission limitations established by this Article if such permit, in addition to meeting all other applicable requirements under this Part, also expressly includes conditions constituting an enforceable compliance schedule for achieving, demonstrating, and maintaining compliance with such emissions limitations.
  - e. **Term.**



1. An Operating Permit shall remain valid for five (5) years from the date of issuance, or such other shorter period if required by the Clean Air Act, unless revoked pursuant to this Article, and Operating Permits issued prior to the effective date of this Article shall remain valid for the term set forth in Section 2101.05 of this Article, provided that the existence of such permit shall not prevent the revocation of such permit pursuant to this Article, nor shall such permit operate to relieve in any manner any person from the duty to fully comply with the requirements of this Article.
  2. An Operating Permit for a non-complying source issued under Subsection d of this Section shall be deemed revoked and not valid after the date for compliance established by the compliance schedule required by this Subpart if compliance has not been demonstrated by such date. Non-Complying Source Operating Permits issued prior to the effective date of this Article shall remain valid for a term as set forth by §2101.05 of this Article and the provisions of this Part, or until such compliance date, whichever is earlier, provided that the existence of such permit shall not prevent revocation of such permit pursuant to this Section, nor shall such permit operate to relieve in any manner any person from the duty to fully comply with the requirements of this Article, except as set forth in the compliance schedule under this Subpart.
  3. The terms and conditions of an expired permit are automatically continued pending the issuance of a new permit when the permittee has submitted a timely and complete application and paid the fees required by §2103.40 of this Article and the Department is unable, through no fault of the permittee, to issue or deny a new permit before the expiration of the previous permit.
- f. **Standard general requirements.** All permits issued under this Subpart shall include the following provisions:
1. The permittee shall comply with all permit conditions and all other applicable requirements at all times. Any permit noncompliance constitutes a violation of this Article, the Pa. Air Pollution Control Act, and the federal Clean Air Act, and is grounds for any and all enforcement action, including, but not limited to, permit termination, revocation and reissuance, or modification, and denial of a permit renewal application;
  2. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit;
  3. The permit may be modified; revoked, reopened, and reissued; or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes, for changes that are provided for in the permit;
  4. The permit does not convey any property rights of any sort, or any exclusive privilege;
  5. The permittee shall furnish to the Department in writing, within a reasonable time, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of any records required to be kept by the permit; and
  6. Terms and conditions, if the permit applicant requests them, for the establishment of a source-wide emissions cap and the trading of emissions increases and decreases within the permitted source, to

the extent that the applicable requirements do not prohibit trading such increases and decreases without a case-by-case approval of each emissions trade.

7. Except where precluded under the Clean Air Act or federal regulations promulgated under the Clean Air Act, terms and conditions, if the permit limits the emissions of VOC's or PM-10 but does not limit the emissions of any hazardous air pollutants, that provide that the mixture of hazardous air pollutants which are VOC's or PM-10 can be modified so long as no permit emission limitations are violated. A log of all mixtures and changes shall be kept and reported with the next report required to the Department after each change.
- g. **Standard Emission Limit Requirements.** All permits issued under this Subpart shall include the following elements with respect to emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance:
1. Specification and reference to the origin of and authority for each term or condition and identification of any differences in form between permit terms and conditions and the applicable requirements on which the terms or conditions are based; and
  2. For permits containing a determination that an alternative emission limit at a source is equivalent to or more stringent than the applicable regulatory limit, provisions to ensure that such alternative emission limit has been, and can be, demonstrated to be quantifiable, enforceable, and based on replicable procedures.
- h. **Standard Compliance Requirements.** All permits issued under this Subpart shall include the following elements with respect to compliance:
1. Consistent with the other requirements of this Article, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document, including reports, required by a permit under this Subpart shall contain a certification by a responsible official that meets the requirements of §2102.01 of this Article.
  2. Requirements that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized Department and other federal, state, County, and local government representatives to:
    - A. Enter upon the permittee's premises where a permitted source is located or emissions-related activity is conducted, or where records are or should be kept under the conditions of the permit;
    - B. Have access to and copy and remove, at reasonable times, any records that must be kept under the conditions of the permit;
    - C. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
    - D. As authorized by either this Article or the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements.
  3. A schedule of compliance consistent with the requirements of this Article.

4. Progress reports consistent with an applicable schedule of compliance and the requirements of this Article to be submitted at least semiannually, or at a more frequent period if specified in the permit by the Department or in other applicable requirements. Such progress reports shall contain the following:
  - A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
  - B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
5. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
  - A. The frequency (annually or such more frequent periods as specified in the permit by the Department or in other applicable requirements) of submissions of compliance certifications;
  - B. In accordance with the requirements of this Article, a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;
  - C. A requirement that the compliance certification include the following:
    - i. The identification of each term or condition of the permit that is the basis of the certification;
    - ii. The compliance status;
    - iii. Whether any noncompliance was continuous or intermittent;
    - iv. The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with the provisions of this Article; and
    - v. Such other facts as the Department may require to determine the compliance status of the source; and
  - D. Such additional requirements as may be determined to be necessary by the Department.
6. Such other provisions as the Department may deem necessary to ensure continued compliance with the requirements of this Article, including, but not limited to, terms and conditions regarding periodic reports, ambient or source monitoring, and operating and maintenance requirements.
  - i. **Standard monitoring requirements.** All permits issued under this Subpart shall include the following elements with respect to monitoring:
    1. Identification and citation of all emissions monitoring and analysis procedures or test methods required under all applicable requirements;
    2. Where an applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, including recordkeeping designed to serve as monitoring, periodic

monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as required to be reported under this Part. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this subparagraph; and

3. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
- j. **Standard recordkeeping requirements.** All permits issued under this Subpart shall include all applicable recordkeeping requirements and require, where applicable, the following:
1. Records of required monitoring information that include the following:
    - A. The date, place as defined in the permit, and time of sampling or measurements;
    - B. The date(s) analyses were performed;
    - C. The company or entity that performed the analyses;
    - D. The analytical techniques or methods used;
    - E. The results of such analyses; and
    - F. The operating parameters existing at the time of sampling or measurement; and
  2. Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- k. **Standard reporting requirements.** All permits issued under this Subpart shall include all applicable reporting requirements and require the following:
1. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official as required by §2102.01 of this Article; and
  2. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and §2108.01.c of this Article, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Department shall define "prompt" on a case by case basis in relation to the degree and type of deviation likely to occur and the applicable requirements.
- l. **Standard severability requirement.** All permits issued under this Subpart shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a successful challenge to any portions of the permit.
- m. **Standard fee requirement.** All permits issued under this Subpart shall include a provision to ensure that all applicable fees under this Article are paid to the Department in accordance with the requirements of this Article.

- n. **Standard alternative operating scenarios requirements.** All permits issued under this Subpart shall include terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Department. Such terms and conditions:
1. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the new scenario under which it is operating, and may require the source to notify the Department at the time it implements the change; and
  2. Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements under this Article.

### §2103.13 EXPIRATION, RENEWALS, REACTIVATIONS

- a. **Expiration.** Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with the requirements of this Subpart.
- b. **Renewals.**
  1. The owner or operator of a source permitted under this Part shall submit to the Department an application for permit renewal at least six (6) months prior to the date of permit expiration, but no earlier than 18 months prior to the date of permit expiration.
  2. Permits being renewed are subject to the same fees, standards, and requirements that apply to an initial permit issuance.
- c. **Delay in Department Action.** If a timely and complete application for an Operating Permit renewal is submitted, consistent with this Subpart, but the County has failed to issue or deny the renewal permit before the end of the term of the previous permit, then:
  1. The permit shall not expire until the renewal permit has been issued or denied; and
  2. All the terms and conditions of the permit shall remain in effect until the renewal permit has been issued or denied.
- d. **Existing Source Reactivations.** During the term of a permit under this Part, a permittee shall not reactivate any source under the permit that has been out of operation or production for a period of one year or more unless the permittee has submitted a reactivation plan request to, and received a written reactivation plan approval from, the Department.
  1. A reactivation plan request may only be submitted during the term of the applicable operating permit and must be either:
    - A. If the source is reactivated within five (5) years after deactivation, accompanied by the submission to the Department of a Reactivation Plan Request fee in the amount of 25% of the annual application/permit administration fees required for said permit by this Part, but not less than \$50 per permit; or
    - B. If the source is reactivated more than five (5) years after deactivation, accompanied by the submission to the Department of the applicable Installation Permit application fee required by §2102.10.b of this Article; or
    - C. Submitted as part of another application for the same source under Part B or Part C of this Article.
  2. A reactivation plan may only be approved during the term of the applicable operating permit and shall describe the measures that will be taken to ensure the source will be reactivated in compliance with all applicable permit requirements.
  3. Unless submitted under subparagraph d.1.B above, the Department shall take action on any reactivation plan request within 30 days of receipt of a complete written request, with the applicable fees, unless the Department determines that additional time is necessary based on the size or complexity of the reactivated source.

4. A reactivation plan approval shall automatically expire upon the expiration of the operating permit during the term of which such approval was issued, or ten (10) years after actual deactivation, whichever comes first.
5. The reactivation of a source that has been deactivated for more than ten (10) years shall constitute a new source under this Article requiring the issuance of a new source Installation Permit under Part B of this Article prior to reactivation.
6. Upon proper application, Operating Permits may be renewed for a source that is deactivated, so long as such source is in compliance with all applicable provisions of this Section. Such renewal shall not constitute authorization to reactivate.
7. All sources deactivated for more than one (1) year shall constitute new sources upon reactivation unless such source:
  - A. By no later than one (1) year following actual deactivation, submits a maintenance plan for the source to be implemented during the period of deactivation and continues to fully comply with all requirements of such plan during deactivation;
  - B. Is in compliance with all other applicable provisions of this Subsection.
8. Any reactivation plan issued for a source which has been deactivated for more than five (5) years shall require the implementation of BACT at such source prior to actual reactivation.
9. Deactivated sources as of the effective date of this Section shall comply with Subparagraph 7.A of this Subsection by no later than one (1) year after such effective date.

#### **§2103.14 REVISIONS, AMENDMENTS, MODIFICATIONS**

*{Subparagraphs a.1.A, B, & D, b.1.D & E, Paragraphs b.2 & 4, and Subsection c amended, Subparagraph b.1.F deleted, & Paragraphs b.6 & 7 and Subsection e added September 6, 1995, effective October 20, 1995. Paragraphs c.1, 3, 4 & 6 and e.5 amended December 12, 2000, effective January 12, 2001.}*

##### **a. Revisions Generally.**

1. **Operational Flexibility.** The owner or operator of a source permitted under this Part shall not make any changes at such source, including trades of increases and decreases in emissions within the permitted source, without first obtaining a permit revision for such changes under this Subpart, or Subpart 2 of this Part, unless:
  - A. The changes do not require an Installation Permit under Section 2102.04 of this Article or violate the terms of an Operating Permit or an Installation Permit;
  - B. The permit specifically allows for changes that do not cause specific emissions increases greater than a de minimis emission increase, and the changes do not exceed such emissions increase allowed under the permit, in accordance with Subsection e below;
  - C. The changes do not violate major source applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements; and
  - D. By no later than seven (7) days prior to the date on which the implementation of the

proposed change is commenced, a written notification is submitted to the Department, for attachment to the Department's copy of the relevant permit, which includes:

- i. A brief description of the change within the permitted source;
    - ii. The date on which the change will occur;
    - iii. The pollutants emitted; and
    - iv. Any change in emissions.
  2. Applications for permit revisions need only supply the information required under §2103.11 of this Article, and §2103.21 if applicable, that is related to the proposed change.
  3. Applications for permit revisions must be accompanied by the submission to the Department of the appropriate application fees.
  4. Upon written request or upon its own motion, in accordance with the requirements of this Part, the Department may revise a permit previously issued to correct clerical errors.
- b. **Administrative Permit Amendment Procedures.** An administrative permit amendment may be made by the Department consistent with the following:
1. An administrative permit amendment is a permit revision that only:
    - A. Corrects typographical errors;
    - B. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
    - C. Requires more frequent monitoring or reporting by the permittee;
    - D. Allows for a change in ownership or operational control of a source where the Department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee and a compliance review form has been submitted to, and the permit transfer has been approved by, the Department; or
    - E. Except where precluded by the Clean Air Act or the regulations under the Clean Air Act, incorporates into a Part C permit the requirements from Installation Permits, provided that such Installation Permit has complied with the requirements of §2102.04 and either Subsection h thereof or §2102.05 of this Article.
  2. An administrative permit amendment may be made by the Department consistent with the following:
    - A. The Department will take no more than 60 days from receipt of a request from the owner or operator of a source for an administrative permit amendment to the Department with a copy to the EPA to take final action on the request, and may incorporate the changes without providing notice to the public or affected states except for permit revisions made under Subparagraph b.1.E above.
    - B. The Department will submit a copy of the revised permit to the Administrator of the EPA.
  3. Applications for administrative permit amendments must be accompanied by the submission to the Department of Administrative Permit Amendment application fees in the amount of 25% of the



annual application/permit administration fees required for said permits by this Part, but not less than \$50 per permit.

4. Unless precluded by the Clean Air Act or the regulations thereunder, the Department will, upon taking final action granting a request for an administrative permit amendment, allow coverage by any existing permit shield for administrative permit amendments which meet the relevant requirements of this Article.
5. Notwithstanding the above provisions, administrative permit amendments for purposes of the acid rain portion of a permit shall be governed by regulations promulgated under title IV of the Clean Air Act.
6. The Department will take final action on the administrative amendment and publish public notice of the final action.
7. Administrative amendments are not authorized for any amendment precluded by the Clean Air Act or the regulations thereunder from being processed as an administrative amendment.

c. **Minor Permit Modification Procedures.**

1. Sources not subject to Subpart 2 of this part may make minor permit modifications on an expedited basis under this Subsection.
2. The owner or operator of the source shall submit to the Department, on a form provided by or approved by the Department, a brief description of the change including the emissions resulting from the change, the date on which the change is to occur, the proposed language for revising the Operating Permit conditions proposed to be changed, and certification by a responsible official that the proposed modifications meet the criteria for use of minor permit modification procedures.
3. At the time of submission of the application for a minor permit modification, the owner or operator shall notify the municipality where the source is located under Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5), and shall also publish a notice in a local newspaper of general circulation briefly describing the change including a change in actual emissions, of any air contaminant that would occur as a result of the change.
4. The notice required by Paragraph 3 above shall clearly indicate that a person may comment to the Department and the source concerning the proposed change within 21 days from the date of submission of the proposed minor permit modification to the Department.
5. The Department will have 21 days in the absence of receipt of public comments and 28 days if public comments are received from receipt of the application for a minor permit modification to seek additional information or to disapprove the change.
6. The source may make the change subject to subsequent review and final action by the Department, prior to such final action, but only:
  - A. After the 21st day following submission under Paragraph 2 above if the Department has received no public objection and does not otherwise object to the change; or
  - B. After the 28th day following submission under Paragraph 2 above if the Department has received a public objection within 21 days of the submission which the Department determines is not bona fide and the Department does not disapprove the proposed change or require it to be processed as an Installation Permit or significant modification.

7. Unless precluded by the Clean Air Act or the regulations thereunder, any existing permit shield shall extend to a change authorized by this Subsection.
  8. The Department will take final action on the proposed change within 60 days of receipt of the complete application for the minor permit modification and, after taking final action, will publish public notice of the action.
  9. Approval of a minor permit modification for a physical change of minor significance authorized under 25 Pa. Code §127.14(c)(1) (relating to exemptions) is also approval of the request for minor significance determination for the physical change.
  10. For purposes of this Subsection, a bona fide public objection is one that provides factual or other relevant information that the change does not meet the requirements for a minor modification or that objects to the change because of its impact on air quality.
- d. **Significant Modification Procedures - Requirements.** Significant permit modifications shall meet all requirements of the applicable Subparts of this Part, including those for applications, fees, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal. The approval of a significant permit modification, if the entire permit has been reopened for review, shall commence a new full five (5) year permit term. The Department shall take final action on all such permits within nine (9) months following receipt of a complete application.
- e. **De minimis Emission Increases.**
1. The Department may allow, as a condition of an Operating Permit, de minimis emission increases from a new or existing source up to the amounts authorized in this Subsection.
  2. A de minimis increase may not occur at a source if it either:
    - A. Increases the emissions of a pollutant regulated under Section 112 of the Clean Air Act (42 U.S.C.A. §7412) except as authorized in Subparagraphs 4.D. and E below;
    - B. Subjects the source to the permit requirements of Sections 2102.05, 2102.06, or 2102.07 of this Article (relating to prevention of significant deterioration of air quality and major new source and major modification review); or
    - C. Violates an applicable requirement of this Article, the state Air Pollution Control Act, the Clean Air Act, or the regulations promulgated under the Air Pollution Control Act or the Clean Air Act.
  3. The permittee shall provide the Department with 7 days prior written notice of any de minimis emission increase. The notice shall identify and describe the pollutants that will be emitted as a result of the de minimis emissions increase and provide emission rates in tons/year and in terms necessary to establish compliance consistent with any applicable requirement. The Department may disapprove or condition the de minimis emission increase at any time.
  4. Except as provided in Paragraph 5 below, the maximum de minimis emission rate increases, as measured in tons/year, that may be authorized in the permit during the term of the permit are:
    - A. Four tons of carbon monoxide from an emissions unit during the term of the permit and 20 tons of carbon monoxide at the source during the term of the permit;

- B. One ton of NO<sub>x</sub> from an emissions unit during the term of the permit and 5 tons of NO<sub>x</sub> at the source during the term of the permit;
  - C. One and six-tenths tons of oxides of sulfur from an emissions unit during the term of the permit and 8.0 tons of oxides of sulfur at the source during the term of the permit;
  - D. Six-tenths of a ton of PM<sub>10</sub> from an emissions unit during the term of the permit and 3.0 tons of PM<sub>10</sub> at the source during the term of the permit. This shall include emissions of a pollutant regulated under Section 112 of the Clean Air Act unless precluded by the Clean Air Act, the regulations thereunder, or this Article; and
  - E. One ton of VOC's from an emissions unit during the term of the permit and 5 tons of VOC's at the source during the term of the permit. This shall include emissions of a pollutant regulated under Section 112 of the Clean Air Act unless precluded by the Clean Air Act, the regulations thereunder, or this Article.
5. The Department may allow, as a condition of an operating permit, installation of the minor sources set forth under §2102.04.a.5 of this Article.
  6. Unless precluded by the Clean Air Act or the regulations thereunder, any existing permit shield shall extend to changes made under this Subsection.
  7. Emissions authorized under this Subsection shall be included in the monitoring, recordkeeping, and reporting requirements of the source.
  8. De minimis emission threshold levels cannot be met by offsetting emission increases with emission decreases at the same emissions unit.
  9. The Department will maintain a list of de minimis increases authorized by this Subsection in the permit file for the source and shall publish a public list of the de minimis increases within 60 days of the receipt of notice for the source.

## **§2103.15 REOPENINGS, REVOCATIONS**

### **a. Reopenings for Cause.**

1. Each issued permit shall include the provisions under this paragraph specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and reissued under any of the following circumstances:
  - A. Requirements under the Clean Air Act become applicable to the source. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended solely due to the failure of the Department to act on a permit renewal application in a timely fashion.
  - B. The Department determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - C. The Department determines that the permit must be reissued or revoked to assure

compliance with the applicable requirements.

2. Proceedings to reopen and reissue a permit shall follow the same procedures as would apply if the source had applied to make the necessary permit revisions, but shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.
  3. Reopenings under this Subsection shall not be initiated before a notice of such intent is provided to the source by the Department at least 30 days in advance of the date that the permit is to be reopened.
- b. **Revocation notice.** If the Department revokes any permit previously issued under this Subpart, it shall so advise the applicant in writing, summarizing the reasons for the revocation.
- c. **Revocation criteria.** The Department may, at any time, revoke an Operating Permit if it finds that:
1. Any statement made in the permit application is not true, or that material information has not been disclosed in the application;
  2. The source is not being operated in the manner indicated by the permit;
  3. Air pollution control equipment installed at the source has not been maintained in good working condition;
  4. Any term or condition of the permit has not been complied with;
  5. Any applicable requirement of this Article has not been complied with;
  6. It has been denied lawful access to the premises or records, charts, instruments, and the like as authorized by Part I of this Article;
  7. Emissions from the source are endangering the public health, safety or welfare;
  8. Emissions from the source are preventing the attainment and maintenance of the ambient air quality standards established by this Article at any location within the Commonwealth, or such emissions are interfering with reasonable further progress toward the attainment of the NAAQS's;
  9. Three months after the EPA has determined that a source is a major source and found that, pursuant to Subsection 126(b) of the Clean Air Act, that emissions from the source are preventing the attainment or maintenance by any other state of any primary or secondary NAAQS or that such emissions are interfering with any measure required to be included in the applicable implementation plan for any other state under Part C of the Clean Air Act relating to prevention of significant deterioration of air quality or protection of visibility, except if continued operation of the source has been permitted by the EPA pursuant to Subsection 126(c) of the Clean Air Act. Nothing herein shall prevent the reissuance of an Operating Permit upon a demonstration that the conditions leading to such finding by EPA have been corrected; or
  10. Any requirement of an enforceable compliance schedule required under a permit for a non-complying source issued pursuant to this Subpart has been violated.