

**§ 127.701. General provisions.**

(a) This subchapter establishes fees to cover the direct and indirect costs of administering the air pollution control planning process, operating permit program required by Title V of the Clean Air Act (42 U.S.C.A. § § 7661—7661f), other requirements of the Clean Air Act, the indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Compliance Advisory Committee and the Office of Small Business Ombudsman and the costs to support the air pollution control program authorized by the act.

(b) The fees collected under this subchapter shall be made payable to the Pennsylvania Clean Air Fund and deposited into the Clean Air Fund established under section 9.2 of the act (35 P. S. § 4009.2).

(c) Fees collected under this subchapter to implement the requirements of Title V of the Clean Air Act and the Small Business Stationary Source Technical and Environmental Compliance Assistance, Compliance Advisory Committee and the Office of Small Business Ombudsman shall be made payable to the Pennsylvania Clean Air Fund and deposited into a restricted revenue account within the Clean Air Fund.

**Authority**

The provisions of this § 127.701 amended under section 6.3 of the Air Pollution Control Act (35 P. S. § 4006.3).

**Source**

The provisions of this § 127.701 amended December 13, 2013, effective December 14, 2013, 43 Pa.B. 7268. Immediately preceding text appears at serial pages (222032) to (222033).

**§ 127.702. Plan approval fees.**

(a) Each applicant for a plan approval shall, as part of the plan approval application, submit the application fee required by this section to the Department.

(b) Except as provided in subsections (c)—(g) a source requiring approval under Subchapter B (relating to plan approval requirements) shall pay a fee equal to:

- (1) Seven hundred fifty dollars for applications filed during the 1995—1999 calendar years.
- (2) Eight hundred fifty dollars for applications filed during the 2000—2004 calendar years.
- (3) One thousand dollars for applications filed for the calendar years beginning in 2005.

(c) A source requiring approval under Subchapter E (relating to new source review) shall pay a fee equal to:

(1) Three thousand five hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Four thousand three hundred dollars for applications filed during the 2000—2004 calendar years.

(3) Five thousand three hundred dollars for applications filed beginning in 2005.

(d) A source subject to standards adopted under Chapter 122 (relating to national standards of performance for new stationary sources) or to standards adopted under Chapter 124 (relating to national emission standards for hazardous air pollutants) shall pay a fee equal to:

(1) One thousand two hundred dollars for applications filed during the 1995—1999 calendar years.

(2) One thousand four hundred dollars for applications filed during the 2000—2004 calendar years.

(3) One thousand seven hundred dollars for applications filed beginning in 2005.

(e) A source subject to § 127.35(c), (d) or (h) (relating to maximum achievable control technology standards for hazardous air pollutants) shall pay a fee equal to:

(1) Five thousand five hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Six thousand seven hundred dollars for applications filed during the 2000—2004 calendar years.

(3) Eight thousand dollars for applications filed beginning in 2005.

(f) A source requiring approval under Subchapter D (relating to prevention of significant deterioration of air quality) shall pay a fee equal to:

(1) Fifteen thousand dollars for applications filed during the 1995—1999 calendar years.

(2) Eighteen thousand five hundred dollars for applications filed during the 2000—2004 calendar years.

(3) Twenty-two thousand seven hundred dollars for applications filed beginning in 2005.

(g) Except as provided in subsection (h), the source proposing a minor modification of a plan approval, extension of a plan approval, and transfer of a plan approval due to a change of ownership, shall pay a fee equal to:

(1) Two hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Two hundred thirty dollars for applications filed during the 2000—2004 calendar years.

(3) Three hundred dollars for applications filed beginning in 2005.

(h) The modification of a plan approval that includes the reassessment of a control technology determination or of the ambient impacts of the source will not be considered a minor modification of the plan approval.

(i) The Department may establish application fees for general plan approvals and plan approvals for sources operating at multiple temporary locations which will not be greater than the fees established by subsection (b). These fees shall be established at the time the plan approval is issued and will be published in the *Pennsylvania Bulletin* as provided in § § 127.612 and 127.632 (relating to public notice and review period).

### **§ 127.703. Operating permit fees under Subchapter F.**

(a) Each applicant for an operating permit, which is not a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required by this section to the Department. These fees apply to the extension, modification, revision, renewal and reissuance of each operating permit or part thereof.

(b) The fee for processing an application for an operating permit is:

(1) Two hundred fifty dollars for applications filed during the 1995—1999 calendar years.

(2) Three hundred dollars for applications filed during the 2000—2004 calendar years.

(3) Three hundred seventy-five dollars for applications filed for the calendar years beginning in 2005.

(c) The annual operating permit administration fee is:

(1) Two hundred fifty dollars for applications filed during the 1995—1999 calendar years.

(2) Three hundred dollars for applications filed during the 2000—2004 calendar years.

(3) Three hundred seventy-five dollars for applications filed during the years beginning in 2005.

(d) The Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations which will not be greater than the fees established by this section. These fees shall be established at the time the operating permit is issued and will be published in the *Pennsylvania Bulletin* as provided in § § 127.612 and 127.632 (relating to public notice and review period).

**§ 127.707. Failure to pay fee.**

An air contamination source that fails to pay the fees within the time frame established by the act or by this chapter shall pay a penalty of 50% of the fee amount, plus interest on the fee amount computed in accordance with 26 U.S.C.A. § 6621(a)(2) (relating to determination of rate of interest) from the date the fee was required to be paid. In addition, the source may have its operating permit terminated or suspended. The fee, penalty and interest may be collected following the process for assessment and collection of a civil penalty contained in section 9.1 of the act (35 P. S. § 4009.1).