City Of Philadelphia
Department Of Public Health
Air Pollution Control Board

AIR MANAGEMENT REGULATION X
COMPLEX SOURCE REVIEW

Approved By:
Air Pollution Control Board..... TBD
Board of Health..... TBD
Law Department..... TBD

This Regulation replaces in its entirety Air Management Regulation X, CONSTRUCTION REVIEW, approved May 4, 1974.

SECTION I. DEFINITIONS

Air Management Code – Title 3 of the Philadelphia Code, Phila. Code §§ 3-101–3-402.

Air Quality Impact Statement (AQIS) - An analysis of existing and predicted air quality levels due to emissions from the Complex Source and secondary or adjunctive activity.

Complex Source - A facility, building, structure or installation, or combination thereof which emits, or in connection with which secondary or adjunctive activity is conducted which may emit, an air pollutant for which there is a National Ambient Air Quality Standard.

Department - The City of Philadelphia Department of Public Health.

Motor Vehicles – Internal combustion vehicles that may be operated on public roadways pursuant to the Pennsylvania Vehicle Code, 75 Pa.C.S. § 101 et. seq., including but not limited to trucks, buses, cars, and motorcycles.

Heavy Duty Diesel Vehicles – Diesel motor vehicles, not including hybrid diesel electric vehicles or their equivalents, that weigh more than 8500 pounds.

National Ambient Air Quality Standards (NAAQS) - Primary and secondary ambient air quality standards that are promulgated by the Administrator of the United States Environmental Protection Agency and set forth in 40 C.F.R. pt. 50.

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Parking Facility – A parking lot (open and at-grade), multilevel and open-sided parking garage, (naturally ventilated), or multilevel above-ground and underground enclosed parking garage.

Person - Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau or instrumentality of federal, state, or local government or other entity recognized by law as a subject of rights and duties.

Philadelphia Metropolitan Center - The area within the City of Philadelphia bounded by:

1. East – Delaware River, including all areas east of Columbus Boulevard or Delaware Avenue that extend to the pierhead line.

2. West – from Girard Avenue Bridge on the Schuylkill River southward along the east edge of the Schuylkill River to the Spring Garden Street Bridge, then Spring Garden Street west to 40th Street, 40th Street south to Baltimore Avenue, Baltimore Avenue east to 38th Street, south to University Avenue, to University/34th Street Bridge.

3. North – from extended line at Cumberland Street east into Delaware River, to Richmond Street, to East Girard Avenue, West Girard Avenue, South College Avenue, Poplar Street, West College Avenue, back to West Girard Avenue, to east edge of the Schuylkill River at the Girard Avenue Bridge.

4. South – from extended line at Washington Avenue east into Delaware River, west along Washington Avenue, to Grays Ferry Ave, to Peltz Street (a short street just south of the Schuylkill Station generating plant), then a line extended along Peltz Street across to the west side of the Schuylkill River, then along the west side of the Schuylkill River to the University/34th Street Bridge.

Traffic Impact Study (TIS) - A study, as approved by the City of Philadelphia Streets Department or the Pennsylvania Department of Transportation, that indicates the potential impact of traffic generated by proposed development or redevelopment and identifies necessary roadway improvements and/or other mitigation measures necessary to ensure that the roadway network will operate safely and efficiently.

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SECTION II. GENERAL PROVISIONS

A. No person shall construct, reconstruct, alter or install any Complex Source listed in sections A.1 or A.2 hereof, before obtaining a Complex Source Permit from the Department for such construction, reconstruction, alteration or installation pursuant to the Air Management Code, Phila. Code § 3-306, and Section III of this Regulation.

1. New or modified Parking Facilities within the Philadelphia Metropolitan Center with a final total capacity greater than 250 motor vehicles and new or modified Parking Facilities outside of the Philadelphia Metropolitan Center with a final total capacity greater than 500 motor vehicles. Modifications to such Parking Facilities that have a de minimus impact on air quality, as determined by the Department with reference to the National Ambient Air Quality Standards (NAAQS), are exempt from the requirements set forth in Section II.A.

2. New or modified Complex Sources that are projected by the Department to generate peak rate traffic in excess of 100 motor vehicles per hour; 25 diesel buses per hour; or 12 heavy duty diesel vehicles per hour.

B. Nothing contained in this Section shall excuse or relieve any person from complying with any applicable provision of the Air Management Code or any regulation adopted thereunder.

SECTION III. AIR QUALITY IMPACT REVIEW

A. Application for Complex Source Permit

Application for a Complex Source Permit shall be made to the Department by the person responsible for such source by the submission of a Complex Source Permit Application, a Traffic Impact Study (TIS), and an Air Quality Impact Statement (AQIS).

B. Review Procedures

1. The Department shall promulgate Guidelines that shall prescribe procedures for the preparation, contents, submission, and review of the TIS and AQIS for Complex Sources listed in Section II.A.

2. The AQIS shall be sufficiently detailed to show all actual and potential impacts on the existing air quality resulting directly, or indirectly, from the proposed Complex Source. The AQIS shall include:

a. The location and general description of the Complex Source.

b. Information pertaining to the nature, design, construction and operation of the Complex Source.

c. The nature and amounts of air contaminants to be emitted directly from the Complex Source and by secondary or adjunctive activity.

d. Any additional information, evidence, or documentation requested by the Department.

3. The Department shall make available for public inspection information submitted by the person responsible for the proposed Complex Source, as well as the Department's analysis as to the anticipated effect on air quality, and shall provide a period of at least thirty (30) days after advertisement for the submission of public comment on the proposed Complex Source.

C. Conditions of Complex Source Permit Issuance

1. The Department will issue a Complex Source Permit only when it is satisfied that the proposed Complex Source will not violate the Air Management Code or any regulation promulgated thereunder, and will not otherwise prevent or interfere with the attainment or maintenance of any NAAQS within the City of Philadelphia.

2. Issuance of a Complex Source Permit shall not exempt any person from prosecution for violation of the Air Management Code, the regulations promulgated thereunder, or any applicable laws of the Commonwealth of Pennsylvania or of the United States.

SECTION IV. SEVERABILITY

The provisions of this Regulation are severable. If any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Regulation or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that this Regulation would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

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SECTION V. EFFECTIVE DATE

Except as otherwise provided, this Regulation shall become effective upon adoption.

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