

# **Air Management Regulation XIII**

Pertaining to the Construction, Modification,  
Reactivation and Operation of Sources

(Incorporating by reference Chapter 127 of Title 25 Pennsylvania Code)

City of Philadelphia  
Department of Public Health  
Air Pollution Control Board

## Approved By:

Air Pollution Control Board .....June 13, 1995  
Law Department .....June 20, 1995  
Public Hearing ..... July 26, 1995  
Department of Records .....October 30, 1995

## Reapproved:

Air Pollution Control Board .....September 6, 1995

# REGULATION XIII

## **Section I. Introduction**

- A. This regulation is promulgated pursuant to §3-400 et. seq. of the Air Management Code (Title 3 of The Philadelphia Code).
- B. Nothing in this regulation shall be construed to repeal any more stringent air pollution control provisions now or hereafter enacted in the Air Management Code or any regulations adopted pursuant to Section 3-302 or other Sections thereof.

## **Section II. Program Adoption**

- A. Chapter 127 Title 25 Pennsylvania Code, entitled "Construction, Modification, Reactivation and Operation of Sources," is hereby adopted as the Air Emission Plan Approval and Operating Permit Program of the City of Philadelphia, with such additions, deletions and amendments as set forth in Section II (B) of this Regulation, and as Chapter 127 may be amended from time to time.
- B. Chapter 127 of Title 25 PA. Code adopted by Section II(A) is incorporated as if fully set forth herein subject to the following additions, deletions and amendments:

# Chapter 127

## Construction, Modification, Reactivation and Operation of Sources

### §127.2 Definitions

Except as set forth below all terms shall be defined pursuant to 25 Pa. Code.

- (a) Department - The Philadelphia Department of Public Health, the Health Commissioner or any authorized representative thereof.
- (b) Environmental Hearing Board (EHB) - The City of Philadelphia Environmental Hearing Board created pursuant to Philadelphia Code Section 3-402, or until said board is appointed, the Board of License and Inspection Review.
- (c) Pennsylvania Bulletin (Pa. Bulletin) - The Pennsylvania Bulletin and a newspaper of general circulation within the City.
- (d) Pa DER - The Pennsylvania Department of Environmental Resources or any successor agency thereto.

### §127.3 Operational Flexibility

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- (b)(4) Section 127.450 (relating to administrative operating permit amendments) allows the administrative amendment procedures to be used for Title V operating permit amendments which have received Department plan approval.

\* \* \*

### §127.12a Compliance Review

\* \* \*

- (c)(5) A list of plan approvals and operating permits issued by the Department or the Allegheny County or Pennsylvania air pollution control agencies to the applicant or related parties that are in effect at the time of application or were in effect during the previous five years. The list shall include each plan approval and operating permit number, locations and expiration dates.

\* \* \*

### §127.43(a) Municipal Notification

[Delete]

\* \* \*

### §127.45 Contents Of Notice

\* \* \*

- (8) A statement that a person may oppose the proposed plan approval by filing a written protest with the Department.

\* \* \*

### §127.82 Scope

The requirements adopted in this chapter apply to sources located in the City and County of Philadelphia. The adoption of these requirements supplements the requirements of this chapter and does not supersede or rescind requirements of the act, the Philadelphia Code or regulations promulgated thereto including but not limited to Air Management Regulation I Section XI.

### §127.83 Adoption of Program

The Prevention of Significant Deterioration requirements promulgated in 40 CFR 52 by the Administrator of the EPA under Section 161 of the Clean Air Act (42 U.S.C.A. § 7471) are adopted in their entirety and incorporated herein by reference. The term "Administrator" used in 40 CFR 52.21(b)(17), (f)(1)(v), (3) and (4)(i), (g)(1)-(6), (1)(2), (p)(1) and (2) and (t) means the Administrator of the EPA. The term "Administrator" used in 40 CFR 52.21(b)(3)(iii), (r)(2) and (w)(2) means the Administrator of the EPA or the Department. The term "Administrator" means the Department in all other portions of 40 CFR 52.21.

\* \* \*

#### **§127.206 ERC General Requirements**

\* \* \*

- (c) ERCs shall be proportionally reduced prior to use in a plan approval in an amount equal to the reductions that the generating facility is or would have been required to make in order to comply with new requirements promulgated by the Pa DER or the EPA, which apply to the generating facility after the ERCs were created.

\* \* \*

#### **§127.207 ERC Generation And Creation**

\* \* \*

- (1)(iii) Quantified. ERCs shall be quantified in a credible, workable and replicable method consistent with procedures promulgated by the Pa DER and the EPA.

\* \* \*

#### **§127.411 (a)(9)**

[Delete]

\* \* \*

#### **§127.412 Compliance Review Forms**

\* \* \*

- (c)(5) A list of plan approvals and operating permits issued by the Department or the Allegheny County or Pennsylvania air pollution control agencies to the applicant or related parties that are in effect at the time of application or were in effect during the previous five years. The list shall include each plan approval and operating permit number, locations and expiration dates.

\* \* \*

#### **§127.413 Municipal Notification [Delete]**

\* \* \*

#### **§127.425 Contents Of Notice**

\* \* \*

- (7) A statement that a person may object to the operating permit or a proposed condition thereof by filing a written protest with the Department.

\* \* \*

#### **§127.462 Minor Operating Permit Modifications**

\* \* \*

- (c) At the time of submission of the application for a minor permit modification, the owner and operator shall notify any state within 50 miles of the location of the source or facility or whose air quality maybe affected by the change and the EPA and shall also publish a notice in a local newspaper of general circulation briefly describing the change including a change in actual emissions, or any air contaminant that would occur as a result of the change.

\* \* \*

**§127.612 Public Notice And Review Period**

- (a) The Department will provide notice and an opportunity to comment on a proposed general plan approval or general operating permit. The notice will be published in the Pennsylvania Bulletin. The notice will also be sent to the Pa DER, EPA, Maryland, Delaware, and New Jersey.

\* \* \*

**§127.632 Public Notice And Review Period**

- (a) The Department will provide notice and an opportunity to comment on a proposed plan approval or operating permit to a source operating at multiple temporary locations. The notice will be published in the Pennsylvania Bulletin. The notice will also be sent to the Pa DER, EPA, Maryland, Delaware, and New Jersey.

\* \* \*

**§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 costs of administering the EHB and the costs to support the air pollution control program authorized by the act and Air Management Code §3-400.
- (b) The fees collected shall be deposited into a restricted account for the purposes set forth in Section (a) above pursuant to 35 P.S. § 4006.3(g).
- (c) [Delete]

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**§127.706 Philadelphia County And Allegheny County Financial Assistance**

[Delete]