

110(a)(2)(A)-(M) Requirements in the Current Commonwealth of Pennsylvania State Implementation Plan (SIP) or Pending SIP Revisions

The federally enforceable State Implementation Plan (SIP) for the Commonwealth of Pennsylvania is compiled in 40 CFR Part 52 Subpart NN. Many of the miscellaneous requirements of Section 110(a)(2)(A)-(M) of the Clean Air Act (CAA) relevant to the eight-hour ozone and fine particulate (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) are already contained in the Commonwealth of Pennsylvania's current SIP or SIP revisions which have been submitted to but not yet approved by U. S. Environmental Protection Agency (EPA). The following table summarizes where these requirements of Section 110(a)(2)(A)-(M) are addressed.

Section 110(a) element	Summary of element	Provisions in the current Pennsylvania SIP or recent SIP revision submittals	Where codified or approved by EPA
<p>§110(a)(2)(A)</p>	<p><i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.</i></p>	<p>The Commonwealth's enforceable emission limitations and other control measures are covered in the APCA and those provisions of Pennsylvania Code Title 25, Environmental Protection, Article III, Chapters 121-145 (25 Pa. Code Chapters 121-145), Title 67, Chapters 175 – 177 listed in 40 CFR §52.2020(c)(1), Allegheny County Health Department (ACHD) Regulations, Parts A through I to Articles XX and XXI listed in 40 CFR 52.2020(c)(2), Philadelphia Title 3 Air Management Code and Philadelphia AMS Regulations I, II, III, IV, V, VII, VIII, XI, and XIII listed in 40 CFR 52.2020(c)(3), and source specific provisions codified at 40 CFR 52.2020(d)(1) and (2).</p> <p>The regulations in the Pennsylvania Code are duly adopted by the Environmental Quality Board. Where these provisions relate to section 110 requirements, State Implementation Plan (SIP) revisions have been submitted to and approved by EPA. EPA-approved SIP revisions are codified at 40 CFR part 52, subpart NN. The Commonwealth has an EPA-approved air permitting program for both major and minor facilities, which ensures that all applicable requirements are included in the facility permit.</p> <p>Furthermore, maintenance plans for the eight-hour ozone National Ambient Air Quality Standard (NAAQS) submitted by Pennsylvania as well as the August 29, 2007 eight-hour attainment demonstration for Philadelphia submitted as a SIP revision are plans which include enforceable emissions limits, controls measures, fees, compliance schedules by describing regulations upon which the plans rely.</p>	<p>40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3) and 52.2020(d)</p>

Section 110(a) element	Summary of element	Provisions in the current Pennsylvania SIP or recent SIP revision submittals	Where codified or approved by EPA
§110(a)(2)(D)	<p><i>contain adequate provisions—</i></p> <p><i>(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will--</i></p> <p><i>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i></p> <p><i>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,</i></p> <p><i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i></p>	<p>The EQB has adopted 25 Pa. Code Chapter 145, Interstate Pollution Transport Reduction, and is in the process of adopting additional requirements related to the federal Clean Air Interstate Rule to reduce the transport of NO_x and SO₂, precursors of ozone and PM_{2.5}. A SIP revision pertaining only to §110(a)(2)(D)(i) is being submitted separately. The Commonwealth of Pennsylvania is not currently subject to requirements under §§ 115 and 126.</p>	<p>40 CFR 52.2020(c)(1)</p>
§110(a)(2)(E)(ii)	<p><i>(ii) requirements that the state comply with the requirements respecting state boards under section 128, and</i></p>	<p>The requirement is not applicable. Permits and enforcement orders are issued directly by the Pennsylvania Department of Environmental Protection (DEP), not state boards.</p>	

Section 110(a) element	Summary of element	Provisions in the current Pennsylvania SIP or recent SIP revision submittal	Where codified or approved by EPA
§110(a)(2)(F)	<p><i>require, as may be prescribed by the Administrator—</i></p> <p><i>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i></p> <p><i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i></p> <p><i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i></p>	<p>Regulatory requirements have been codified in 25 Pa. Code Chapter 139 (pertaining to sampling and testing).</p> <p>Requirements in 25 Pa. Code Section §135.3 provide for the reporting of emissions inventories in a format established by DEP on a schedule set forth in the section. In addition, 25 Pa. Code § 135.21 requires the submission of emission statements as required by the CAA.</p> <p>Area, mobile, and non-road data are reported on a 3-year cycle.</p> <p>Furthermore, maintenance plans for the 8-hour ozone NAAQS submitted by PA as well as the August 29, 2007 Philadelphia area attainment demonstration SIP revision are plans which include enforceable emissions limits, controls measures, fees, compliance schedules by describing regulations upon which the plans rely.</p> <p>The Commonwealth's enforceable emission limitations and other control measures are covered in the APCA and those provisions of Pennsylvania Code Title 25, Environmental Protection, Article III, Chapters 121-145 (25 Pa. Code Chs. 121-145), Title 67, Chapters 175 – 177 listed in 40 CFR §52.2020(c)(1), Allegheny County Health Department (ACHD) Regulations, Parts A through I to Articles XX and XXI listed in 40 CFR 52.2020(c)(2), Philadelphia Title 3 Air Management Code and Philadelphia AMS Regulations I, II, III, IV, V, VII, VIII, XI, and XIII listed in 40 CFR 52.2020(c)(3) , and, source specific provisions codified at 40 CFR 52.2020(d)(1) and (2). Elements of the program for enforcement are found in the monitoring, recordkeeping and reporting requirements for sources in these control measures as well as 25 PA Code §127, subchapters D and E, ACHD Regulations, Parts H and I to Articles XX and XXI and Philadelphia AMS Regulation I.</p>	<p>40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3) and 52.2020(d)</p>
§110(a)(2)(G)	<p><i>provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;</i></p>	<p>The EQB has adopted 25 Pa. Code Chapter 137, ACHD has adopted Part F to Article XX/XXI and Philadelphia AMS has adopted Regulation IV all of which cover air pollution episodes and the occurrence of an emergency due to the effects of the pollutants on the health of persons. 25 Pa. Code Chapter 137, Part F to Article XX/XXI and Philadelphia AMS Regulation IV are all in the approved SIP.</p>	<p>40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3) and 52.2020(d)</p>

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<p>§110(a)(2)(I)</p>	<p><i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);</i></p>	<p>25 Pa. Code Chapter 127, Subchapter E, New Source Review, covers the requirements of part D for nonattainment areas. Amendments to these requirements to fulfill recent federal requirements were submitted to EPA on August 9, 2007. In preparing SIPs under Part D, Pennsylvania complies with all applicable requirements for each nonattainment area under sections 110, 172(c), and 175A and subpart 2 to Part D. In addition, DEP complies with planning procedures under Section 174. EPA approved all SIPs required under the one-hour ozone standard, indicating full compliance with requirements for classified areas under subpart 2 to Part D; compliance under the eight-hour ozone and PM_{2.5} standard will be evaluated with submitted SIPs for each area. The SIP revisions related to nonattainment area will continue to comply with Subpart D requirements, as applicable, and the currently approved nonattainment area SIP provisions listed in 40 CFR 52.2020 which could not have been approved if they had not met Subpart D requirements. These include:</p> <ul style="list-style-type: none"> • the base year inventory and attainment plan for the Philadelphia-Wilmington-Atlantic City area submitted on August 29, 2007; • the base year inventory and section 175A maintenance plans submitted during calendar years 2006 and 2007 as follows: <ul style="list-style-type: none"> Lancaster, approved 7/6/2007 (72 FR 36889); Tioga County, approved 7/6/2007 (72 FR 36892); Franklin County, approved 7/25/2007 (72 FR 40746); Reading, approved 8/24/2007 (72 FR 48559); Johnstown, approved 8/1/2007 (72 FR 41903); Altoona, approved 8/1/2007 (72 FR 41906); Harrisburg-Lebanon-Carlisle, approved 7/25/2007 (72 FR 40749); Erie, approved 10/9/2007 (72 FR 57207); Greene County, submitted 1/25/07; Youngstown-Warren-Sharon, approved 10/19/07; Pittsburgh-Beaver Valley, submitted 5/4/2007; Scranton-Wilkes-Barre, submitted 6/12/2007; State College, submitted 6/12/2007; York, submitted 6/14/07; Clearfield-Indiana 6/14/2007; Allentown-Bethlehem-Easton, submitted 6/26/2007. • and the RACT SIP revisions for the eight-hour ozone standard, submitted September 25, 2006 (Philadelphia AMS and Pennsylvania) and June 20, 2007 (Allegheny County). <p>Pennsylvania works extensively with the Ozone Transport Commission established under CAA Section 184. See information under (A) and (C) for compliance with Section 173 and information under (J) for compliance with transportation conformity established by CAA Section 176.</p>	<p>40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3), 52.2020(d) and 52.2020(e)</p>

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§110(a)(2)(J) (PSD)	<i>meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i>	DEP has incorporated by reference into Chapter 127, Subchapter D, the requirements in 40 CFR 52 under section 161 of the CAA (42 U.S.C.A. § 7471) for prevention of significant deterioration in their entirety. These provisions were approved by EPA as part of the SIP.	40 CFR 52.2020(c)(1), 52.2020(c)(2), 52.2020(c)(3).
§110(a)(2)(K)	<i>provide for: (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i>	PA DEP has submitted the August 29, 2007 SIP revision pertaining to the Philadelphia area and has submitted the maintenance plans for the other nonattainment areas during calendar years 2006 and 2007. These plans submitted the necessary modeling where required. The status of these SIP revisions are below: <ul style="list-style-type: none"> • the base year inventory and attainment plan for the Philadelphia-Wilmington-Atlantic City area submitted on August 29, 2007; • the base year inventory and section 175A maintenance plans submitted during calendar years 2006 and 2007 are as follows: Lancaster, approved 7/6/2007 (72 FR 36889); Tioga County, approved 7/6/2007 (72 FR 36892); Franklin County, approved 7/25/2007 (72 FR 40746); Reading, approved 8/24/2007 (72 FR 48559); Johnstown, approved 8/1/2007 (72 FR 41903); Altoona, approved 8/1/2007 (72 FR 41906); Harrisburg-Lebanon-Carlisle, approved 7/25/2007 (72 FR 40749); Erie, approved 10/9/2007 (72 FR 57207); Greene County, submitted 1/25/07; Youngstown-Warren-Sharon, approved 10/19/07; Pittsburgh-Beaver Valley, submitted 5/4/2007; Scranton-Wilkes-Barre, submitted 6/12/2007; State College, submitted 6/12/2007; York, submitted 6/14/07; Clearfield-Indiana 6/14/2007; Allentown-Bethlehem-Easton, submitted 6/26/2007. 	

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§110(a)(2)(L)	<p><i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—</i></p> <p><i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i></p> <p><i>(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</i></p>	<p>In addition, the fee requirements of 25 Pa. Code Chapter 127, Subchapter I, were approved by EPA as meeting the CAA requirements and were incorporated into the Commonwealth's SIP. The Commonwealth's Title V operating permit program in 25 Pa Code Chapter 127, Subchapter G, was approved (61 Fed. Reg. 39597).</p>	<p>40 CFR 52.2020(c)(1), Appendix A — Approval Status of State and Local Operating Permits Programs to 40 CFR Part 70, approved by EPA at 61 Fed. Reg. 39597, July 30, 1996</p>