

Act 45 of 2025 (HB 416)

Related to the Proposed Rulemaking for Administrative Amendments to 25 Pa. Code Chapters 121 and 127

Bureau of Air Quality
2/5/2026





Background

- The November 12, 2025, amendments to the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, included a new section (Section 1805 of Article XVIII, Subarticle C) specific to air quality general permits.
- These provisions were effective immediately upon approval by the Governor.



Summary

- Subsections (a) and (b) included new provisions specific to general permits issued prior to November 12, 2025, including subsequent revisions.
- The new provisions govern how applications for authorization to use air quality general permits are reviewed, the timelines involved, and under what circumstances applications are approved or denied.



Provisions

- DEP is required to notify the applicant of any deficiencies within 20 days of submission of the application.
- The applicant is required to address each deficiency within 25 days of submission of the application.
- If the applicant does not address each deficiency within the timeframe, DEP is required to deny the application.



Provisions

- DEP is required to review the application within 30 days of submission. The 30 days may be extended one time by an additional five days with consent of the applicant.
- If DEP fails to issue a determination within this timeframe, the applicant may proceed under the provisions of the general permit.



Key Points

- If a deficiency response is late, DEP is **required** to deny the application.
- There is no provision to “stop the clock.”
- This is the first time that air quality permitting has a “deemed approved” requirement.



Pennsylvania
Department of
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Next Steps

- DEP is looking into what changes may need to be made.
 - Regulatory
 - General Permit forms
 - IT systems
- DEP intends to incorporate the applicable statutory requirements into Chapter 127, Subchapter H. These revisions will be added to the Chapters 121/127 proposed rulemaking and are scheduled to be presented to AQTAC at the May 2026 meeting.



Get In Touch

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The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).