

Draft Proposed Regulation

25 Pa. Code Chapters 121 and 127:

Administrative Amendments to General Provisions and Permitting Notification Requirements

Bureau of Air Quality
11/06/2025



Background

This proposed rulemaking would:

- Add and revise definitions to provide further clarity.
- Clarify the role of DEP in plan approval and permit compliance demonstrations.
- Remove obsolete language and duplicative notification requirements.
- Remove language on interpollutant trading that is no longer allowable because of recent federal case law.
- Specify the deadline for submitting a Title V operating permit application to be consistent with the Clean Air Act.
- Correct typographical errors.



Proposed Revisions

- Proposed amendments to 25 Pa. Code Chapter 121 - Definitions:
 - **§ 121.1** – Update definitions of the terms “Major NO_x emitting facility” and “Responsible Official” and add definitions for “Business entity” and “Commence Operation” to clarify implementation and enforcement of regulations in Chapters 121—145.
 - **§ 121.4** – Correct regional organization of DEP and clarify the roles of local air pollution control agencies.



Proposed Revisions

- Proposed amendments to 25 Pa. Code Chapter 127 - Permitting and operating plan requirements for air pollution sources in Pennsylvania:
 - **§ 127.11a** – Remove obsolete language and remove duplicative notification requirements.
 - **§§ 127.13a and 127.461** – Clarify role of DEP in plan approval and permit compliance determinations.
 - **§§ 127.44 and 127.424** – Revise the newspaper publication notice requirement for air plan approvals and operating permits from publication of three notices to one.



Proposed Revisions

- **§§ 127.51 and 127.431** – Remove the requirement for DEP to mail a copy of a plan approval and operating permit dispositions. Instead allow for an email notification, in addition to the *Pennsylvania Bulletin*.
- **§ 127.210** – Amend the offset ratios regulation to remove language on interpollutant trading that is no longer allowable because of recent case law (*Sierra Club v. EPA*, 985 F.3d 1055 (D.C. Cir. 2021)).



Proposed Revisions

- **§§ 127.462 and 127.621** – Clarify terminology and modernize document delivery requirements to electronic means for minor operating permit modifications and application for general operating permits.
- **§ 127.505** – Correct the deadline for submitting an initial application for a Title V operating permit to be within 12 months of commencing operation to align with the federal Clean Air Act and EPA's 40 CFR Part 70 regulations.



Pennsylvania
Department of
Environmental Protection

Affected Parties

These administrative updates would apply to the owners and operators of stationary facilities that are required to have operating permits controlling air pollution emissions.

Impacts

- This proposed rulemaking corrects administrative errors and adds clarifying amendments. No environmental impact is expected.
- The proposed amendments to §§ 127.44 and 127.424 would reduce the administrative burdens and cost to industry that are associated with newspaper notifications by approximately \$170,000 annually.
- This proposed rulemaking provides continued administrative efficiency for DEP to directly implement and enforce its regulations.



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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).