



REGION 3

PHILADELPHIA, PA 19103

October 21, 2025

Mr. Nick Lazor
Director, Bureau of Air Quality
Pennsylvania Department of
Environmental Protection
Rachel Carson State Office Building, 12th
Floor 400 Market Street
P.O. Box 8468
Harrisburg, PA 17105
NLazor@pa.gov

Dear Mr. Lazor:

Enclosed is the final report for the Pennsylvania Department of Environmental Protection title V program evaluation conducted by my staff this fiscal year. I would like to thank you and your staff for their cooperation and support in conducting the evaluation. I look forward to our continued collaboration and success in the Title V program.

If you have any questions regarding the report, please contact me at 215-814-2712 or Dunn.Michael@epa.gov, or have your staff contact Dave Talley at 215-814-2117 or Talley.David@epa.gov.

Sincerely,

MICHAEL
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Michael J. Dunn, Acting Director
Air & Radiation Division

cc: Virendra Trivedi (vtrivedi@pa.gov)
Sean Wenrich (sewenrich@pa.gov)
Krystal Stankunas (Stankunas.Krystal@epa.gov)
Paul Entwistle (Entwistle.Paul@epa.gov)
Dave Talley (Talley.David@epa.gov)

Clean Air Act Title V Program Evaluation Report
Pennsylvania Department of Environmental Protection – FY2025
Prepared By: EPA Region 3
10/21/25

I. Executive Summary

For fiscal year 2025, the United States Environmental Protection Agency Region 3 (EPA) evaluated the Pennsylvania Department of Environmental Protection (PADEP) Clean Air Act title V permit program.¹ Areas of review included permit preparation and content, public participation and outreach, permit issuance, and resources and internal management support.

In summary, EPA found that PADEP prepares title V permits that contain the applicable title V rules and regulations. PADEP's title V program best practices include an internal permit review process which includes management involvement, staff training, effective monitoring of deadlines, and implementation of electronic resources. EPA identified that PADEP's title V fee structure will hamper the title V program in the future, including permitting, inspection, and monitoring, and recommends that PADEP continue to evaluate updates to the fee structure as needed in order to maintain adequate funding.

II. Introduction

Title V program evaluations are part of EPA's routine oversight of state programs with the intent of identifying best practices, areas for improvement, and ways in which EPA can improve its oversight role. EPA has completed prior title V program evaluations for PADEP in 2005, 2012, and 2018. In prior evaluations, EPA discovered no significant program deficiencies. This is the first Title V program evaluation of PADEP that EPA has conducted which utilized the "Fee Evaluation and Oversight Guidance for 40 CFR Part 70" signed by Scott Mathias on May 25, 2023.²

This evaluation was conducted through remote means of written questionnaires, video conference calls, and email correspondence. Areas evaluated include title V permit preparation and content, public participation and outreach, permit issuance, and resources and internal management support. Virendra Trivedi is the Chief of the Air Permits Division in PADEP and the information requested by EPA for this report was provided by the members of the Air Permits Division in PADEP's Central Office.

III. Evaluation

To gather information, EPA provided PADEP with a questionnaire on March 14, 2025 (Appendix A). PADEP provided written answers to EPA on June 4, 2025 (Appendix B). On July 8th, 2025, EPA (including two permitting staff, Paul Entwistle and Krystal Stankunas, and the Acting Air Permits Branch Chief, Dave Talley) and PADEP (The Assistant Director of the Bureau of Air Quality John Krueger, the Air Quality

¹ Approved July 30, 1996 at [61 FR 39597](#).

² <https://www.epa.gov/system/files/documents/2023-06/Final%20Title%20V%20Fee%20Evaluation%20and%20Oversight%20Guidance%205-25-23.pdf>

Permits Division Chief Viren Trivedi, Section Chief of TV/NSR Sean Wenrich, and other members of the Permits Division Nam-Phuong Cong-Huyen, Addison Borger, and Luke Zeisloft) held a video conference call as a follow-up to the questionnaire. The content of this report is based on the written questionnaire responses, the follow up video calls with PADEP, publicly available information on PADEP's website, and EPA's experience working with PADEP's title V permit program during routine oversight. File review was not conducted during the evaluation process because EPA routinely reviews draft and proposed title V permits prepared by PADEP.

A. Title V Permit Preparation and Content

In Pennsylvania, all title V permit applications are submitted by mail or via PADEP's Public Upload with Payment (PUP) webpage. Regional clerical staff create the authorization record in the Department's database of record, eFACTS, and the package is forwarded to the permit engineer. Within 60 days, the assigned permit engineer reviews the application for completeness in accordance with 25 Pa. Code § 127.421(a) and sends a completeness letter when the application is determined to be administratively complete. For renewal applications, the terms and conditions of the expired permit remain effective pending issuance of a new Title V permit, provided the permittee has submitted a timely and complete application and paid the applicable fees required under 25 Pa. Code Chapter 127, Subchapter I. The Department approves or disapproves a complete application within 18 months of the date of receipt of a complete application.

The permit engineer enters information such as air contamination source information, control device information, stack parameters, process maps, and SCC codes into PA DEP's Air Information Management System (AIMS). All permits are generated through AIMS, with general Title V requirements automatically added to each permit. The permit engineer identifies all applicable state and federal requirements necessary for the draft permit and includes adequate and practicably enforceable monitoring and compliance conditions. The permit engineer also writes a review memorandum along with the draft operating permit.

The draft permits undergo multiple levels of internal review from PADEP staff. The permit engineer works with the permit chief and regional program manager as needed to revise the draft permit to incorporate all applicable comments. PADEP may send drafts of the permitting documents to the permittee ahead of public notice and may conduct outreach with the general public before the public comment period as well.

Public notice of the permit action is posted in the Pennsylvania Bulletin (PA Bulletin) and local newspapers. The public comment period lasts at least 30 days, and a notice of hearing is noticed at least thirty days in advance if one is requested. The public can sign up to receive email notices about updates of regulations, open comment periods, permit applications, and other DEP activities through PADEP's eNotice system.

B. Public Participation and Outreach

PADEP's public participation process is handled by the permit writer for each title V application. PADEP provides EPA Region 3 with a copy of each draft/proposed TV permit. Before or at the time the draft/proposed permit goes out for public notice, the permit engineer notifies each state within 50 miles of the Title V facility and any contiguous state whose air quality may be affected. Public notice of the

proposed permit is posted in the PA Bulletin and local newspapers. PADEP also maintains a mailing list of interested parties, including those who request in writing to be on the list, to be notified at the same time public notice is posted. PADEP provides at least 30 days for public comment and will publicize a public hearing at least 30 days in advance of the hearing. Public comments can be submitted via email, US postal mail, or hand delivery. All comments raised during the public participation process will receive a response from PADEP, usually in the form of a Comment and Response document. All records of comments are available to the public and maintained to determine whether a citizen petition may be granted.

Public hearings are scheduled upon request during the public comment period if PADEP determines a hearing is warranted based on the comments received. Commentors on the permit or who requested the hearing will be notified of the hearing in the newspaper, the PA Bulletin, or by phone call.

C. Permit Issuance

On December 19, 2005, PADEP and EPA entered into an agreement memorialized in a Memorandum of Understanding (MOU) regarding PADEP's implementation of its title V operating permit program. In the MOU, PADEP agreed to, among other things:

- Issue 100% of new initial permits within 18 months of receipt of a complete application
- Issue 75% of renewals within 18 months of expiration
- Issue 75% of significant permit modifications within 18 months of receipt of a complete application
- Cooperate with EPA during any title V operating permit program evaluation and collaboratively determine how best to implement mutually agreed upon measures that would improve program performance.

A permit is considered to be in the backlog when an active initial TV permit application is older than 18 months or an active permit is extended past 5 years (note: this does not include significant modifications). PADEP has a total of 372 active title V sources according to the semiannual title V permit data (TOPS) report for the first half of 2025 (Appendix B). PADEP's total backlog is at 87 permits or 23% of the PADEP permitting universe as of August 2025. There is one initial permit action in the backlog, and there are 86 renewal permit actions in the backlog. The number of backlogged permits has remained relatively stable over the previous years. Since facilities are required to submit TV renewal applications at the latest 6 months before the end of the 5 year TV renewal period, and current PA internal deadlines allow for approximately 18 months from the time an application is received to permit issuance, a substantial portion of the renewal permits extended past 5 years are permits for which PADEP will issue a TV renewal within the next year. There may also be a number of TV renewals which have been delayed for longer periods of time for various reasons (ie several years beyond the 5 year period). To the extent that these longer term backlogged TV renewals exist, EPA encourages PADEP to work towards eliminating these permits from the backlog as feasible.

Delays in permit issuance can commonly be attributed to several factors. PADEP identified poor quality applications as a primary factor for longer permit processing times when they occur. When an application is deficient, it may take up to several months for responses to be received from an applicant providing requested information. It is also possible that occasionally TV permitting activity may be

delayed by other urgent permitting tasks. Notably, PADEP currently spends significant time on RACT III related permitting. This responsibility is time-limited but may temporarily draw resources away from regular TV renewals and other more routine tasks. Other factors, like highly complex facilities, or pending litigation, may also occasionally cause delays. Generally speaking, however, PADEP's TV backlog has not grown over time. PADEP has also discussed how the more recently implemented Payback program has encouraged consistently timely reviews of TV applications.

D. Resources and Internal Management Support

Fee Adequacy

The Clean Air Act and implementing regulations require PADEP to collect adequate fees to cover the costs of its title V permit program. In accordance with 40 CFR Part 70.9(a): *Fee requirement*, the State program shall require that the owners or operators of part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and shall ensure that any fee required by this section will be used solely for permit program costs.

Also, in accordance with the CAA §502(b)(3)(C)(iii): " ... any fee required to be collected by a State, local, or interstate agency by this subsection shall be utilized solely to cover all reasonable (direct and indirect) costs required to support the permit program as set forth in subparagraph A."

PADEP title V fees were most recently updated in 2021.³ PADEP's title V fee structure is codified in 25 PA 127.704. EPA approved these updated fees as a revision to PADEP's title V program⁴. Application fees are based upon which year the title V operating permit application was submitted, with increasing rates until 2031. These fees are categorized separately for new applications, renewal applications, minor modifications, significant modifications, and administrative amendments. The permittee must also pay an annual title V permit maintenance fee no later than December 31 for the following year. The annual permit maintenance fee also increases as outlined in the rule until 2031.

Permittees are also required to pay an annual emissions-based fee, which was last updated in 2013. The emission-based fee is calculated as the number of actual annual emissions in tons of regulated emissions multiplied by a base dollar amount of \$85, increased by the percentage by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index of the previous calendar year as of December 14, 2013. The fee is applied for up to 4,000 tons of each regulated pollutant.

It is likely that PADEP will require a change of its TV fee structure in the near future. PADEP indicated that the total number of TV sources, and emissions from these sources, has continued to decrease in recent years, resulting in less TV fees being collected overall. While PADEP implemented an update to its TV fees in 2021, including a fee for requests for determinations (RFDs), it has begun evaluating the need for a new fee schedule due to this continuing trend. PADEP's financial data form shows that recent total program revenues have come in well below total program costs, resulting in a significant annual deficit.

³ <https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-3/78.html>

⁴ Approved August 9, 2023 at 88 FR 53802.

Title V Fees and Revenue Tracking

PADEP's Title V fees are deposited into the Pennsylvania Clean Air Fund (CAF) Title V Appropriation. All DEP Air Quality staff complete biweekly timesheets selecting from a variety of work codes based upon the work completed, and only work associated with the permitting, inspection and monitoring of Title V facilities is linked to the CAF Title V Appropriation.

PADEP has shared that each permit fee, emission fee and penalty is tracked using unique codes and deposited into the appropriate CAF Appropriation. Specifically, Title V permit and emission fees are deposited to the CAF Title V Appropriation, and Non-Title V permit fees and all penalties are directed to the CAF Non-Title V Appropriation.

Staffing

PADEP has divided air permitting responsibilities between six regional offices: Northcentral, Northeast, Northwest, Southcentral, Southeast, and Southwest. All regional offices interface with a Central office to ensure program consistency. In total, PADEP's Bureau of Air Quality has 293 established positions with a current vacancy rate of about 10%. PADEP had reduced the total number of positions in the Air Quality Bureau since the early 2000s, but IT enhancements that have resulted in higher efficiency. While work is broken down differently at different regional offices, most air permitting staff work on TV sources for some portion of their time. PADEP reports that they have enough permit writers to manage the title V permit workload.

Permit Tracking Systems

PADEP's permit tracking is done through Pennsylvania's Environment Facility Application Compliance Tracking System (eFACTS). eFacts is an online tracking system that contains all relevant information needed for the title V permitting process and is maintained and updated by PADEP staff. Title V permits are also subject to PADEP's "Payback program" which assures a refund for permit applications that exceed the standard processing time. As part of this program, PADEP launched a digital database that allows permittees to check the status of their permit application and request reimbursement if eligible.

Training

PADEP actively participates in several training programs for new and existing staff. Staff are offered in-person technical training, and computer-based learning is provided via MyLearning. New and current permit writers are encouraged to access online training courses via EPA's AirKnowledge Learning Management System (LMS). PADEP is a member of the Mid-Atlantic Regional Air Management Association (MARAMA) which offers regional air quality training opportunities to member agencies. PADEP also arranges presentations from the industry to explain updated pollution control equipment and devices to employees.

IV. State Rules

Title V Program Revision

PADEP is in the process of finalizing several rules that affect the title V operating permit program.

The first rule relates to a change in practice regarding Title V Operating Permit application submissions to meet CAA requirements. Under the current regulations, an operating permit cannot be issued unless

the source is constructed and is operating in accordance with the conditions of the plan approval, but there is no timeline for the submittal of a Title V Operating Permit application. To comply with 40 CFR Part 70, the regulation will be revised to specify that an owner or operator of a Title V facility is required to submit a Title V Operating Permit application within 12 months of beginning operation. Owners or operators of new or modified major facilities currently authorized for temporary operation under a plan approval for more than 12 months were required to submit a Title V Operating Permit application on or before November 25, 2024.

Another rulemaking change is the finalizing of a state plan in response to EPA's promulgation of NSPS and EG for the oil and gas industry, Reducing Emissions of Methane and Other Pollution from Oil and Natural Gas Operations 40 CFR Part 60, Subparts OOOOb and OOOOc. PADEP is currently conducting meaningful engagement efforts to hear from stakeholders their feedback on the state plan, as required by 40 CFR Part 60, Subpart Ba. The Department intends to hold five regional public hearings and one virtual public hearing. Regional public hearings will be held in the Northeast, Northwest, Northcentral, Southwest, and Central Offices. The state plan is due in January 2027.⁵

PADEP has also proposed rulemaking corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3). This proposed rulemaking would correct errors in the mass-equivalent basis factors established in §129.115(c) (relating to written notification, compliance demonstration and recordkeeping and reporting requirements) and a cross-reference error in §129.115(d). PADEP plans to submit this rulemaking for approval as a revision to the State Implementation Plan (SIP) following promulgation of the final rulemaking.

Finally, the proposed Rulemaking Legal Authority for Delegation of Federal Plans in 40 CFR Part 62 would provide the express legal authority for DEP to request delegation of authority from the EPA to implement and enforce the requirements of an applicable federal plan established by the EPA in 40 CFR Part 62. This delegation of authority by the EPA would allow DEP to directly implement and enforce federal plans applicable to the owners and operators of existing stationary sources under DEP's jurisdiction in the absence of an EPA-approved state plan. This rule will be published in the PA Bulletin for public comments in the second quarter of 2025.

To request a title V program revision, PADEP should submit the state rule to EPA as a proposed title V program revision.

V. Conclusions

EPA would like to thank PADEP for its responsiveness and cooperation throughout the evaluation process. Below is a summary of findings in terms of both best practices and areas for improvement. To begin addressing identified areas for improvement, PADEP will follow the actions identified in the "action plan" that follows.

⁵ See 90 FR 35966

A. Summary of Best Practices

PADEP has identified several best practices for its title V program. EPA agrees that these practices contribute positively to the title V program.

Management Involvement and Oversight

PADEP regional offices employ a high level of management involvement and oversight throughout the title V permit preparation process. Management involvement is a contributing factor in ensuring the quality, consistency, and timely issuance of title V permits.

Training

PADEP permit writers are encouraged to take relevant technical trainings with organizations such as the Mid-Atlantic Regional Air Management Association (MARAMA). Additional training and technical assistance can be provided by experienced regional office staff.

Public Upload with Payment

PADEP instituted the PUP system in December 2023. This allows applicant to electronically upload applications, including Title V applications, along with paying the application fee electronically. This has reduced the burden on PA DEP for handling paper as well as promoted easier accessibility to files.

PAYback

PADEP implemented the PAYback program, which went into effect November 2023, that assures a moneyback guarantee for permit applicants if their application is overdue. Since going into effect, DEP has evaluated and decided on more than 1,500 air quality authorizations without having to refund a single application fee.

Tracking

PADEP maintains and updates information on the status of permit applications and issuance in their eFACTS system for the facilities in their respective regions at all stages in the process of preparing a Title V permit.

B. Areas for Improvement

Title V Fee Adequacy

It appears that in coming years, without further changes to the TV fee structure, PADEP may face significant financial barriers to maintain its TV program. This could eventually negatively impact many aspects of the TV program, including PADEP's ability to meet timing targets, maintain consistency and quality, and reduce the TV backlog.

C. Action Plan

Title V Fee Adequacy

PADEP should continue to evaluate the adequacy of its TV fee structure. If PADEP determines that changes to TV fees are needed to maintain the TV program, it should pursue the necessary processes to update the fee structure. In the event of a change to the fee structure, PADEP should submit the change to EPA as a TV program revision, as applicable.

APPENDIX

Appendix A

FY 2025 PADEP Title V Program Evaluation Questionnaire & Responses

Title V Permit Preparation and Content

A.1. Please describe the permit development process, from receipt of an application to final issuance.

- Applications are received via PA DEP's Public Upload with Payment (PUP) webpage or by mail.
- Regional clerical staff will stamp the application with the received date if mailed and create the authorization record in Department's database of record, eFACTS. The package will then be forwarded to the permit engineer.
- Within 60 days the permit engineer will make an administrative completeness determination in accordance with 25 Pa code § 127.421(a). An application is complete if it contains sufficient information to begin processing the application, has the applicable sections completed and has been signed by a responsible official. For renewal applications the terms and conditions of the expired permit shall automatically continue pending issuance of a new Title V permit, provided the permittee has submitted a timely and complete application and paid applicable fees required under 25 Pa. Code Chapter 127, Subchapter I.
- The Department will approve or disapprove a complete application within 18 months of the date of receipt of a complete application.
- The permit engineer will identify all applicable state and federal requirements including NESHAP and NSPS. Requirements along with other information such as air contamination source information, control device information, stack parameters, process maps, and SCC codes are entered into PA DEP's Air Information Management System (AIMS). The permit engineer will include adequate compliance conditions as part of the Title V process. Monitoring requirements are reviewed for practicable enforceability. AIMS will generate the permit with general Title V requirements automatically added to each permit.
- The permit engineer must write a review memorandum for each Title V operating permit review performed.
- The draft permit will be sent to the permit chief and then to the regional program manager for review.
- The permit engineer will provide EPA Region 3 with a copy of each permit application, including an application for significant permit modification, proposed permit and final Title V permit
- The permit engineer will give notice of each proposed permit to a State within 50 miles of the Title V facility and any contiguous State whose air quality may be affected on or before the time that the Department provides this notice to the public.

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- Notice will be given by the Department in the *Pennsylvania Bulletin*. Public notices are also posted in newspapers.
- The Department will provide at least 30 days for public comment and will give notice of a public hearing at least 30 days in advance of the hearing.
- Operating permit application review by EPA and affected states is outlined at 25 Pa. Code Section 127.522.

A.2. Please describe efforts PADEP has made since 2018 to improve internal processes for issuing Title V permits: revisions of internal procedures and policies, standard operating procedures, etc.

- Instructions for Title V operating permits with an applicant's checklist for easier submittals were updated in 2021.
- PA DEP instituted the PUP system in December 2023. This allows applicant to electronically upload applications, including Title V applications, along with paying the application fee electronically. This has reduced the burden on PA DEP for handling paper as well as promoted easier accessibility to files.
- PA DEP is working to modernize its permitting process by investing in new technology and reviewing processes to identify and eliminate bottlenecks. In January, PA DEP launched a permit tracker to allow applicants and the public to monitor the progress of permits as they move through the review process.
- PA DEP implemented the PAYback program, which went into effect November 2023, that assures a moneyback guarantee for permit applicants if their application is overdue. Since going into effect, DEP has evaluated and decided on more than 1,500 air quality authorizations without having to refund a single application fee.
- Since 2023, PA DEP added 30 employees in the air quality program, to carry out critical functions like public health and safety inspections and permit application reviews.

A.3. Please describe any quality assurance processes for Title V permits.

- All permits are generated through Air Information Management System (AIMS). Permits are reviewed by the permit chief and then by the program manager before being issued to assure quality and maintain consistency. Additionally, draft/proposed permits are sent to EPA Region 3 for review and comment.

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- The regional and central office staff meet on a regular basis to discuss program development and implementation issues. These meetings are along functional lines although representatives from each group are present at all group meetings.
- A data center workgroup has been created with meetings held every other week to prepare for the recent demand of data centers in Pennsylvania. This group will work to develop standard permit conditions and monitoring requirements for data center permits. Data center operating permits from Virginia, The Data Center Capital of the World, and Maryland are being reviewed and used as an example for PA DEP's operating permits.
- All PA DEP Air Quality staff receive training through Mid-Atlantic Regional Air Management Association (MARAMA).

A.4. Monitoring

- a) Please describe the process for developing monitoring requirements within Title V permits.
- b) Do your statements of basis (Review Memos) include a rationale for the monitoring associated with each applicable requirement?
- c) Please describe your process for supplementing monitoring in instances where the existing monitoring scheme is not sufficient to demonstrate compliance with the applicable requirement.

All applicable state and federal regulations including procedures and methods under sections 114(a)(3) or 504(b) of the Clean Air Act (42 U.S.C.A. § § 7414(a)(3) and 7661c(b)) are used for developing monitoring requirements. In cases where emission limits must be derived, a statistical analysis is performed using data in order from the most preferred to the least preferred from CEMS, stack tests, or a vendor guarantee. Monitoring requirements are reviewed to ensure practicable enforceability. Review memos include a rationale for the monitoring associated with each applicable requirement. When the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring, the monitoring requirements shall assure use of terms, test methods, units, averaging periods and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements.

Appendix A

FY 2025 PADEP Title V Program Evaluation Questionnaire & Responses

A.5. Are there any new rules in the Title V program since 2018?

a) Have any of these new rules required an update to the SIP? If so, were the rules submitted to EPA?

b) Have any of these rules required a Title V program update submission to EPA? If so, were the rules submitted to EPA?

The Control of VOC Emissions from Conventional Oil and Natural Gas Sources rule was published in the *Pennsylvania Bulletin* [52 Pa. B. 7635] on Saturday, December 10, 2022. This rule amends Chapter 129 (relating to standards for sources). This final-omitted rulemaking adds §§129.131—129.140 (relating to control of VOC emissions from conventional oil and natural gas sources) to adopt reasonably available control technology (RACT) requirements and RACT emission limitations for conventional oil and natural gas sources of volatile organic compound (VOC) emissions. These sources include natural gas-driven continuous bleed pneumatic controllers, natural gas-driven diaphragm pumps, reciprocating compressors, centrifugal compressors, fugitive emissions components and storage vessels installed at conventional well sites, gathering and boosting stations and natural gas processing plants, as well as storage vessels in the natural gas transmission and storage segment. On December 12, 2022, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to its SIP establishing RACT requirements for the 2008 and 2015 ozone NAAQS to control VOC emissions from sources covered by EPA's 2016 CTG for the oil and gas industry.

The Control of VOC Emissions from Unconventional Oil and Natural Gas Sources rule was published in the *Pennsylvania Bulletin* [52 Pa. B. 7587] on December 10, 2022 (25 Pa. Code §§ 129.121 – 129.130). This final-form rulemaking adds §§ 129.121—129.130 to adopt reasonably available control technology (RACT) requirements and RACT emission limitations for unconventional oil and natural gas sources of volatile organic compound (VOC) emissions as required under the Clean Air Act (CAA). These sources include natural gas-driven continuous bleed pneumatic controllers, natural gas-driven diaphragm pumps, reciprocating compressors, centrifugal compressors, fugitive emissions components and storage vessels installed at unconventional well sites, gathering and boosting stations and natural gas processing plants, as well as storage vessels in the natural gas transmission and storage segment. On December 12, 2022, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to its SIP establishing RACT requirements for the 2008 and 2015 ozone NAAQS to control VOC emissions from sources covered by EPA's 2016 CTG for the oil and gas industry.

The Industrial Cleaning Solvents rule was published in the *Pennsylvania Bulletin* [48 Pa. B. 4814] 25 Pa. Code Section 129.63a (relating to control of VOC emissions from industrial cleaning

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FY 2025 PADEP Title V Program Evaluation Questionnaire & Responses

solvents) on August 11, 2018. It was submitted to EPA as a requested SIP revision on August 13, 2018.

Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS was published in the *Pennsylvania Bulletin* [52 Pa. B. 6960] 25 Pa. Code Chapters 121 and 129 on November 12, 2022. This final-form rulemaking amends Chapter 129 to establish additional presumptive reasonably available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO_x) and volatile organic compound (VOC) emissions in existence on or before August 3, 2018, to address the Federal requirements for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS) under the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q). It was submitted to EPA as a requested SIP revision on August 13, 2018.

The Standards of Performance for New Stationary Sources promulgated by EPA under the CAA are adopted by reference in 25 Pa. Code Chapter 122. PADEP submitted 25 Pa. Code Chapter 122 to EPA for incorporation into Pennsylvania's SIP as required under Section 182(b)(2) of the CAA, 42 U.S.C. § 7511a(b)(2) on August 13, 2018.

The Air Quality Fee Schedule Amendments rule amends Chapters 121 (relating to general provisions) and 127, Subchapters F and I (relating to operating permit requirements; and plan approval and operating permit fees). This rulemaking amends existing requirements in Subchapter F and existing air quality plan approval and operating permit fee schedules in Subchapter I. It also proposes new fees in Subchapter I to address the disparity between revenue and expenses for the Department of Environmental Protection's Air Quality Program. The formal SIP revision and Title V program revision was submitted by PADEP on July 20, 2021, with a clarification letter sent on January 3, 2023.

The Environmental Quality Board amended Chapter 145 (relating to interstate pollution transport reduction) to add Subchapter E (relating to CO₂ budget trading program) to establish a program to limit the emissions of carbon dioxide (CO₂) from fossil fuel-fired electric generating units (EGU) located in this Commonwealth, with a nameplate capacity equal to or greater than 25 megawatts (MWe). This final-form rulemaking was adopted by the Board at its meeting of July 13, 2021. A lawsuit was filed asserting this rule unconstitutional because it imposed a tax rather than a fee. The Commonwealth Court issued an Order on Nov. 1, 2023, declaring the RGGI rulemaking void. In December 2023, the DEP initiated an appeal of the decision to the state's Supreme Court.

Appendix A

FY 2025 PADEP Title V Program Evaluation Questionnaire & Responses

A.6. Please describe any current plans to update Title V program rules or requirements in the near future, such as for requirements relating to the timing of TV applications for new facilities.

PA DEP announced a change in practice regarding Title V Operating Permit application submissions to meet Federal Clean Air Act Requirements [54.B. 4404] on July 27, 2024. Under 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements) an operating permit cannot be issued unless the source is constructed and is operating in accordance with the conditions of the plan approval, but this regulation does not specify a timeline for the submittal of a Title V Operating Permit application. To comply with section 503(b) of the CAA (42 U.S.C. § 7661b(c)) and implementing regulations in 40 CFR 70.5(a) (relating to permit applications), an owner or operator of a Title V facility is required to submit a Title V Operating Permit application within 12 months of beginning operation. Owners or operators of new or modified major facilities currently authorized for temporary operation under a plan approval for more than 12 months are required to submit a Title V Operating Permit application on or before November 25, 2024.

DEP is finalizing a State Plan that details the implementation and enforcement plan for the EPA's New Source Performance Standards and Emissions Guidelines for greenhouse gas (GHG) emissions from oil and natural gas facilities. The Bureau of Air Quality (BAQ) is conducting meaningful engagement efforts to hear from stakeholders their feedback on the State Plan. BAQ presented details of the State Plan at regularly scheduled Advisory Committee meetings. The DEP's Bureau of Air Quality held a webinar to provide an overview to the public on the Department's approach to implementing 40 CFR Part 60, Subparts OOOOb and OOOOc): Reducing Emissions of Methane and Other Pollution from Oil and Natural Gas Operations on April 1, 2025. The Department intends to hold five regional public hearings and one virtual public hearing. Regional public hearings will be held in the Northeast, Northwest, Northcentral, Southwest, and Central Offices.

The proposed rulemaking Corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3) was published in the *Pennsylvania Bulletin* [55 Pa. B. 725] on Saturday, January 25, 2025. This rule amends Chapter 129 (relating to standards for sources). This proposed rulemaking would correct errors in the mass-equivalent basis factors established in §129.115(c) (relating to written notification, compliance demonstration and recordkeeping and reporting requirements) and a cross-reference error in §129.115(d). These are errors in an optional alternative compliance demonstration method provision included in the "Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS" final-form rulemaking (RACT 3 regulation) published at 52 Pa. B. 6960 (November 12, 2022). This proposed rulemaking will be submitted to the United States

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Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) following promulgation of the final-form rulemaking.

The proposed Rulemaking Legal Authority for Delegation of Federal Plans in 40 CFR Part 62 would provide the express legal authority for DEP to request delegation of authority from the EPA to implement and enforce the requirements of an applicable Federal Plan established by the EPA in 40 CFR Part 62. This delegation of authority by the EPA would allow DEP to directly implement and enforce Federal plans applicable to the owners and operators of existing stationary sources under DEP's jurisdiction in the absence of an EPA-approved State Plan.

The draft proposed rule presented to AQTAC April 4, 2024, SBCAC April 17, 2024, and CAC May 14, 2024. EQB adopted proposed rule April 8, 2025. Will be published in a Pa. Bulletin for public comments in the second quarter of 2025.

A.7. Please provide a brief summary of the overlap of Pennsylvania Plan Approval permits with TV permits in current practice.

a) For example, under what circumstances are Plan Approvals not processed according to requirements of TV permit actions, when are Plan Approvals processed as “merged permits” for incorporation into a TV permit, etc.

The plan approval contains conditions which the Department believes are necessary, at the time of the issuance of the plan approval, to adequately demonstrate that the source was being operated and maintained in accordance with best available technology. All of the conditions included in a plan approval issued by the Department are “federally enforceable” and must be included in the Title V Permit. The permit writer does not need to include “one time” requirements, such as stack testing, if the facility has already demonstrated compliance with the requirement or it no longer applies to the facility. A source will not have a Plan Approval if it was installed prior to July 1972 or was exempted from the plan approval process. The permit writer must conduct a complete review of all correspondence to ensure that any modifications to the plan approval or operating permit are included in the Title V permit.

Public Participation and Outreach

B.1. Please describe the process for public participation from receipt of an application to final permit issuance.

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The Department notifies the applicant when the operating permit is ready to be issued. Upon notice, the applicant within ten days, must publish the notice on at least three separate days in a prominent place and size in a newspaper of general circulation in the county in which the source is to be located. The applicant will file proof of the publication within one week thereafter. An operating permit will not be issued by the Department if the applicant fails to submit proof of publication. The Department also provides notice in the *Pennsylvania Bulletin* and to persons on a mailing list developed by the Department, including those who request in writing to be on the list; and by other means if necessary to assure adequate notice to the affected public. The Department provides at least 30 days for public comment and gives notice of a public hearing at least 30 days in advance of the hearing.

The public can submit comments by email, US postal mail or hand delivered. Comments are submitted to the appropriate regional office and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

The Department will keep a record of the commentators and also of the issues raised during the public participation process so that the Administrator of the EPA may fulfill his obligation under section 505(b)(2) of the Clean Air Act (42 U.S.C.A. § 7661d(b)(2)) to determine whether a citizen petition may be granted. The records will be available to the public.

B.2. When are hearings held? How does PADEP decide whether or not to hold a hearing?

Hearings are scheduled upon request during the 30-day public comment period. A public hearing may be held, if DEP, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when DEP determines this type of notification is sufficient.

B.3. How do you respond to public comments? Are commenters notified of final permit/RTC issuance and provided with a copy of your RTC?

Whenever comments are received from EPA, the permittee, or the public during the applicable comment periods, the permit writer must write a response to each comment. This is usually accomplished through a letter to the commentor that explains why or why not the comments were incorporated into the permit. Usually, the permit writer can discuss EPA's comments with the appropriate EPA staff member and write one response document when all of the issues have been resolved. The public can sign up to receive email notices about updates of

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regulations, eComment open comment periods, permit applications, and other DEP activities through DEP's eNotice system.

C. Permit Issuance

C.1. When permits are delayed, what factors cause delays? Do any of the following impact ability to issue timely Title V permits (initial or renewal)?

- a) SIP gap/backlog
- b) Pending revisions to underlying NSR/PSD permits
- c) Compliance/enforcement issues
- d) EPA rulemaking
- e) Lack of EPA guidance
- f) Competing internal priorities
- g) Other (please specify)

Delays are often caused by poor quality applications. Applicants may take months in responding to application deficiency notices. Sometime, delays in Title V permits can be caused by pending plan approvals (whether NSR/PSD or not). Rarely, Title V permit issuance can be delayed by litigation involving the same facility. Since the implementation of PAYback, all Title V operating permit applications have been reviewed in a timely manner.

C.2. Please describe the permit appeals process at the state level.

§ 127.13c. Notice of basis for certain plan approval decisions.

(a) When the Department denies a plan approval application or terminates, modifies, suspends or revokes a plan approval already issued, the action shall be in the form of a written notice to the person affected informing the person of the action taken by the Department and setting forth in the notice a full and complete statement of the reasons for the action.

(b) The notice required by subsection (a) will be served upon the person affected either by hand delivery or by certified mail return receipt requested.

(c) The Department will publish a notice and brief description of the action in the Pennsylvania Bulletin.

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(d) The action in the notice shall be final and not subject to review unless, within 30 days of the service of the notice, a person affected thereby appeals to the EHB setting forth the grounds relied upon.

How often are TV permits appealed? Does PADEP have a process to inform EPA when permits are appealed?

There have been two appeals regarding Title V permits in the last five years and seven appeals in the last decade.

C.3. How often do compliance issues impact the timeliness of your Title V actions?

It is not common for compliance issues to impact the review of Title V operating permit applications. In general, compliance issues are not a significant hinderance to the timeliness of Title V actions

C.4. How are compliance issues resolved prior to permit issuance?

Section 6.1.(b)(4) and (b.1) of the Air Pollution Control Act and Section 127.445 of the Department's regulations, allow the Department to issue an operating permit to an existing and operating source that is out of compliance. Please note that these provisions are not available to a new source.

The permit must contain an enforceable schedule requiring the source to attain compliance as soon as possible but no later than the date required by the Air Pollution Control Act or the Clean Air Act. This compliance schedule should contain interim milestone dates for completing any phase of the required work, as well as a final compliance date, and may contain stipulated penalties for the failure to meet the compliance schedule. The permit shall be revoked if the permittee fails to achieve compliance by the final compliance date or fails to pay the stipulated penalties for failure to meet an interim compliance date. The operating permit shall be part of an overall resolution of the outstanding noncompliance and may include the payment of an appropriate civil penalty for past violations and shall contain other terms and conditions the Department deems appropriate. As an alternative, an operating permit may incorporate by reference a compliance schedule contained within a consent order and agreement, including provisions related to the implementation or enforcement of the compliance schedule or consent order and agreement.

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The use of a compliance schedule, which can be incorporated into a Title V permit. is one way to avoid delay in issuing a Title V permit when a facility is in noncompliance. Outside of a compliance schedule, corrective actions may be included in a Title V permit. DEP is also willing to deny or not extend an operating permit if we are waiting on a facility to resolve a violation and/or comply with permit conditions, thus using the Title V permit as leverage in compliance.

D. Resources and Internal Management Support

D.1. Please describe tracking systems used for the Title V program. How do the tracking systems contribute to the efficiency of your Title V program?

Tracking of applications is done primarily through Pennsylvania's Environment Facility Application Compliance Tracking System (eFACTS). DEP maintains and updates information on the status of permit applications and issuance in eFACTS for the facilities in their respective regions at all stages in the process of preparing a Title V permit. Title V permit applications are also subject to Pennsylvania's PAYback program, which include a public permit tracking website. Additionally, regional offices may utilize internal tracking systems to note permit application reviews that are approaching PAYback deadlines.

D.2. Please describe current staffing levels. Are staffing levels sufficient in relation to permitting workload? What is the process for determining sufficient staffing?

DEP's Air Quality complement is 293 with approx. a 10% vacancy rate. This is down from the maximum complement of approx. 380 in the early 2000s. The majority of this decrease was the elimination of positions sitting on the Department's General Fund complement. IT enhancements have resulted in more efficient work with sufficient permitting staff to issue Title V operating permits and renewals on time.

D.3. Title V Fees

a. Please describe your Title V fee structure.

Title V Action	Fee 2021 - 2025	Fee 2026 - 2030	Fee 2031 and Beyond
New Application	\$5,000	\$6,300	\$7,900
Renewal	\$4,000	\$5,000	\$6,300
Minor Modification	\$1,500	\$1,900	\$2,400
Significant Modification	\$4,000	\$5,000	\$6,300

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Administrative Amendment / Change of Ownership	\$1,500	\$1,900	\$2,400
Plantwide Applicability Limit (PAL) for NSR regulated pollutants or PAL for PSD regulated pollutants or both	\$10,000	\$12,500	\$15,600
Annual Operating Permit Maintenance Fee	\$8,000	\$10,000	\$12,500

For 2024 emissions Title V facilities will pay a fee of \$113.92 per ton of regulated pollutant emitted from the facility for up to 4,000 tons of each regulated pollutant. This emission fee is updated each year according to the Consumer Price Index (CPI) or All-Urban Consumers.

b. Are fees adequate to fund Title V activities?

DEP promulgated a new Air Quality Program fee structure on January 16, 2021. Plan approval, operating permit and renewal fees were increased for all facilities, including Title V facilities. Annual permit maintenance fees were also created at the following rates:

- Title V - \$8,000/yr
- Synthetic Minor - \$4,000/yr
- Natural Minor - \$2,000/yr

The Title V emission base fee was last increased in 2013 and was not updated.

Since the development of the 2021 fee rulemaking several factors have increased program expenditures beyond expectations including a new personnel contract, inflation and thirty new positions. To offset these costs the Department has begun evaluating the need for a new fee schedule.

c. Describe any recent activities PADEP has taken to ensure that Title V fees are adequate.

In addition to the above, the Program incorporated a fee for requests for determinations (RFDs) of exemption for plan approvals and operating permits to combat unnecessary RFDs for sources that are automatically exempted in accordance with DEP's published exemption list. Since the implementation of fees for RFDs, the number of RFDs processed by DEP per year has reduced by an average of 27%. This has reduced unnecessary staff review time by approximately 900 hours per year. The RFD fees generate approximately \$200,000 in revenue each year.

d. How does PADEP track Title V fee usage and ensure that Title V fees are used in accordance with 40 CFR Part 70 fee requirements?

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All DEP Air Quality staff complete biweekly timesheets selecting from a variety of work codes based upon the work completed. Each of these work codes are linked to one of the following:

- The Pennsylvania Clean Air Fund (CAF) Title V Appropriation
- The CAF Non-Title V Appropriation
- One of several EPA Grants
- The Pennsylvania General Fund (primarily as a 40% match to the 105 Grant)

Only work associated with the permitting, inspection and monitoring of Title V facilities is linked to the CAF Title V Appropriation.

Each permit fee, emission fee and penalty is tracked using unique codes and deposited into the appropriate CAF Appropriation. Title V permit and emission fees are deposited to the CAF Title V Appropriation. Non-Title V permit fees and all penalties are directed to the CAF Non-Title V Appropriation.

E. Questions Concerning Regional Offices

E.1. Please describe the relationship between central office and the regional offices.

The central office is primarily responsible for program development, administration, and training as well as providing engineering and technical support. The regional offices are primarily responsible for program implementation, permitting, monitoring, inspection and enforcement of the air quality program within their geographical boundaries. The regional offices are also responsible for the permit application public notice.

E.2. How does central office ensure consistency among the regional offices? Are there any significant differences in operations between regional offices that central office is aware of?

Central Office's permits division holds monthly meetings with regional permitting chiefs to discuss program development, implementation issues, and noteworthy happenings. Participants may request a portion of the meeting to discuss a topic they feel is pertinent. These topics include interesting cases that regional staff have encountered and allow for discussion on how to handle specific issues. Subject matter experts from regional offices and Central Office are also available to answer questions and address concerns that have commonwealth-wide implications. In addition to these meetings, ad-hoc workgroups are created with Central Office and regional office permitting staff to discuss emerging issues, such as the permitting of data centers. Central Office also issues permitting guidance documents for regional office reference.

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E.3. How have the regional offices addressed Title V permit backlogs through time? Are there any unique factors at individual regional offices which have affected the processing of backlogged TV permits?

The central office has been keeping a report on permit backlogs. Last year Pennsylvania had nearly 60 overdue air quality authorizations. This is now down to 4. We are on course to eliminate the air quality backlog by the end of the fiscal year. Applications received since November 1, 2023 are subject to the PAYback program and are being issued in a timely manner.

E.4. Are staffing levels at each of the regional offices sufficient?

Current staffing levels are generally sufficient to handle the permit workload. RACT III has generated some additional work for staff, however, it is limited-term in nature. Regional office management aids in permit preparation and issuance when necessary and this conveys a sense of importance of timely issuance to all permit writers. However, because of the importance placed on issuing timely plan approvals and operating permits, the number of inspection and compliance positions has decreased. The Program is meeting its inspection obligations under the Compliance Monitoring Strategy but believe that more frequent inspections would lead to better compliance.

E.5. Please describe the process for ensuring new and current permit writers have access to adequate training

Permit writers are encouraged to register for the AirKnowledge Learning Management System and take any applicable courses. Permit writers may also attend Mid-Atlantic Regional Air Management Association (MARAMA) training seminars where they will learn about major recent developments in neighboring states and how to approach common problems that they have encountered. These trainings are usually offered both in-person and virtually. The addition of virtual training offerings has allowed more staff to access these training sessions without incurring additional cost on either MARAMA or PA DEP. Commonwealth employees are offered courses for professional development via MyLearning and in person technical training courses. PA DEP also invites outside presenters, such as source and control device vendors, to explain updated pollution control equipment and devices.

E.6. Do any regional offices have unique best practices which you would like to highlight?

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Regional offices employ a high level of management involvement and oversight throughout the Title V permit preparation process. Management involvement is a main contributing factor in ensuring the quality, consistency, and timely issuance of Title V operating permits.

Appendix B

PADEP Semiannual TOPS Report

January 2025- June 2025

Semiannual Title V Permit Data Report

This information request is authorized pursuant to the Information Collection Request for Part 70 Operating Permit Regulations, EPA Number 1587.06, OMB Number 2060-0243; April 2004.

	Pennsylvania Department of Environmental Protection, Bureau of Air Quality	
1. Report Date:	July23,2025	
Reporting Period:	<input checked="" type="checkbox"/> January 01 – June 30, *Report due July 31*	<input type="checkbox"/> July 01 – December 31, *Report due January 31*

Data Element	Reported Value	Information
2. Outstanding Permit Issuance	a) Number of final actions: 666	<ul style="list-style-type: none"> Total final actions on Permitting Authority-specific permit issuance commitments (i.e., agreements by the Permitting Authority to complete action on initial permits within a specified time-frame, such as agreements related to the 2001 citizen comments). If the Permitting Authority does not have a commitment, enter "not applicable" in 1(a) and 1(b).
	b) Total commitment universe: 666	
	c) Date commitment completed (if applicable): March20,2005	
3. Total Current Part 70 Source Universe and Permit Universe	a) Number of active part 70 <u>sources</u> that have obtained part 70 permits, plus the number of active part 70 <u>sources</u> that have not yet obtained part 70 permits: 372	<ul style="list-style-type: none"> The total current part 70 <u>source</u> universe includes all sources subject to the Permitting Authority's part 70 program applicability requirements (i.e., provisions comparable to §70.3). In 2.a), count all active sources that either have obtained or will obtain a part 70 permit. EPA expects that this data will be primarily based on the Permitting Authority's application and permit tracking information. If, however, the Permitting Authority is aware of part 70 sources that are not yet captured by application or permit information, count those sources as well. Do <u>not</u> count sources that are no longer subject to part 70, such as sources that have shut down, or become natural minors or synthetic minors, and do not have an active part 70 permit. Do <u>not</u> double count sources included in 2.b).

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Total Current Part 70 Source Universe and Permit Universe (Continued)	b) Number of part 70 <u>sources</u> that have applied to obtain a synthetic minor restriction in lieu of a part 70 permit, and the part 70 program's permit application due dates for those sources have passed: 3	<ul style="list-style-type: none"> Element 2.b) is intended to capture the universe of part 70 sources that are seeking synthetic minor restrictions in lieu of part 70 permits, but haven't received those restrictions before becoming subject to the part 70 program's permit application requirements. If the part 70 applications don't readily identify sources seeking such restrictions, the Permitting Authority may include those sources in 2.a), and need not break them out here. However, EPA expects Permitting Authorities to consider pending synthetic minor requests <u>not</u> addressed in part 70 applications to calculate this portion of the part 70 source universe. Count sources that currently meet the part 70 program's applicability requirements, their part 70 application due dates have passed, and they have requested but not yet received synthetic minor restrictions in lieu of a part 70 permit (or permit renewal). Also count active sources whose synthetic minor restrictions have expired (i.e., no synthetic minor restrictions are currently in place, even though they may be eligible for such restrictions) and are past their part 70 program's application due date. Do <u>not</u> count sources that have active synthetic minor restrictions and are no longer subject to part 70. Do <u>not</u> double count sources included in 2(a).
	c) Total number of current part 70 <u>sources</u> (a+b): 375	

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	<p>d) <i>For permitting authorities that issue multiple part 70 permits to a single source:</i> total number of active part 70 <u>permits</u> issued, plus part 70 <u>permits</u> applied for:</p> <p>Not applicable</p>	<ul style="list-style-type: none"> For Permitting Authorities that issue multiple part 70 permits to a single source, and these permits are issued and tracked separately, report the total permit universe, including # of active part 70 permits issued (element 3 below), plus permits applied for (based on pending applications). This information is for correlating data when the Permitting Authority's part 70 <u>permit</u> universe may be greater than the part 70 <u>source</u> universe. For Permitting Authorities that do not issue multiple permits to a single source, or for those that issue and track multiple permits issued to a source on a source-wide basis, enter "not applicable" in 2.d).
<p>3. Total Active Part 70 Permits</p>	<p>Total number of active part 70 permits:</p> <p>375</p>	<ul style="list-style-type: none"> This element includes all <u>active</u> initial and renewal part 70 permits issued by the permitting authority. Do <u>not</u> count inactive permits, i.e., permits that are no longer in effect due to source shutdown, synthetic minor restrictions, etc. Note: the procedures for rendering part 70 permits no longer effective may vary, depending on the part 70 program. Do <u>not</u> count both initial and renewal permits (or prior renewal and current renewal permits) issued to the same source; i.e., do not double count. Count permits that have been extended (see 6.b. below), but do <u>not</u> count permits that have expired, or have been voided, revoked, etc. Count each source covered by a general permit separately for this data element. If a single source has several general permits and/or source specific permits, refer to the information for permitting authorities that issue multiple part 70 permits to a single source. For permitting authorities that issue multiple part 70 permits to a single source and included information in element 2(d), count each permitted portion of the source separately for this element. This distinction is for correlating this data element with the permit universe information in element #2(d).

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4. Timeliness of Initial Permits (PART element)	a) Total number of initial part 70 permits issued during 6 month reporting period: 3	<ul style="list-style-type: none"> This data element tracks the initial part 70 permits issued as final (e.g., not draft or proposed) during the 6 month reporting period covered by this report, and whether they were issued within 18 months of receipt of an administratively complete application. For TOPS purposes, initial permits are permits that are issued to any source that has become subject to part 70 for the first time, or any source that comes back into the part 70 program after a period of not being subject. If no initial permits were issued during the 6 month reporting period, report "zero" in 4(b), and "not applicable" in 4(a).
	b) Number of initial part 70 permits finalized during 6 month reporting period that were issued within 18 months: 1	<ul style="list-style-type: none"> Start the 18-month clock on the submittal date of an administratively complete application. For purposes of this data element, do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each permitted portion of the source separately for this element. This distinction is for determining individual permit timeliness.
5. Total Outstanding Initial Part 70 Applications	The number of active initial part 70 applications older than 18 months: 1	<ul style="list-style-type: none"> This element tracks <u>all</u> active, administratively complete <u>initial</u> part 70 permit applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. For TOPS purposes, initial part 70 applications are applications for sources that are subject to title V for the first time, or for any source that comes back into the title V program after a period of not being subject. Do <u>not</u> include renewal applications. Include all current outstanding initial applications, including those that may also be tracked in data element #1. Do <u>not</u> count initial applications the Permitting Authority has taken final action on.

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6. Outstanding Renewal Permit Actions	a) Total number of expired permits for active part 70 sources: 86	<ul style="list-style-type: none"> This data element tracks the total number of expired permits for active part 70 sources. Part 70 permits expire after 5 years if the sources do not submit timely and complete renewal applications, or if they have lost their application shield by not timely responding to additional requests for information. Include expired permits that have been addressed through consent orders or other enforcement mechanisms. Expired permits can be further addressed in the "Additional Information" element. Do <u>not</u> include permits that have expired because the source is no longer subject to Title V; i.e., they have shutdown or have received synthetic minor restrictions. <p>For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each expired permit separately.</p>
Outstanding Renewal Permit Actions (Continued)	b) Total number of active permits with terms extended past 5 years: 86	<ul style="list-style-type: none"> This data element tracks the total number of active permits that have been extended past the original 5 year permit term. Part 70 permits or permit conditions are extended beyond the original 5 year term when sources submit a timely and complete renewal application (and any timely and complete additional information requested by the permitting authority), but the permitting authority has not yet issued a renewal permit. Count all extended permits, including extended permits for sources that submitted timely and complete renewal applications within the last 18 months. Pending applications that are less than 18 months old can be further addressed in the "Additional Information" element. Do <u>not</u> include inactive extended permits, i.e., when a subsequent permit renewal has been issued or a source is no longer subject to part 70. Do <u>not</u> include "expired part 70 permits" that have been addressed through consent orders or other enforcement mechanisms. Count expired permits in 6(a). For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each extended permit separately.

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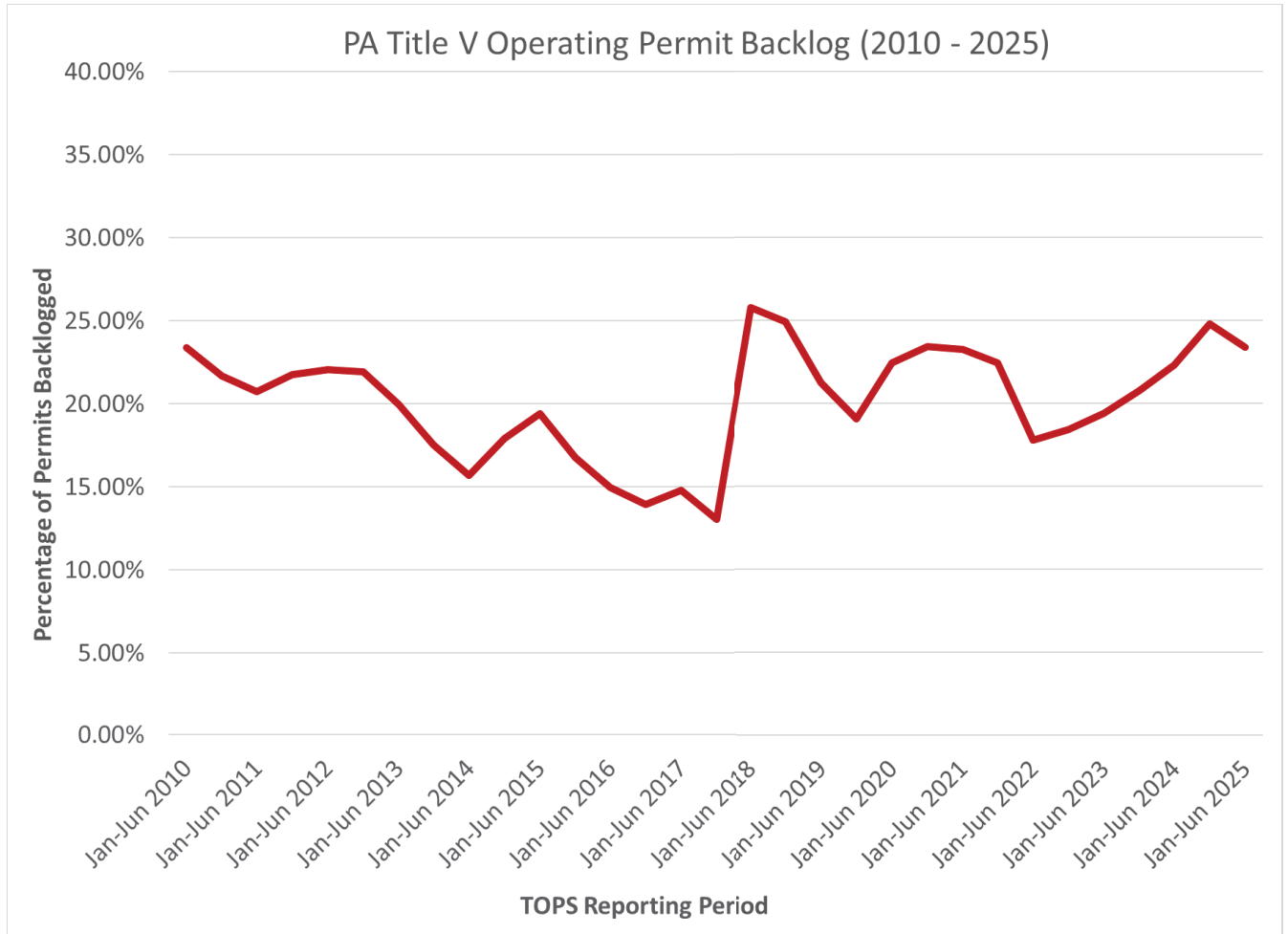
7. Timeliness of Significant Modifications (PART element - a and b only)	a) Total number of significant modifications issued during 6 month reporting period: 8	<ul style="list-style-type: none"> This data element tracks the number of significant modifications issued as final (e.g., not draft or proposed) during the 6 month reporting period. It also tracks the number of those modifications that were issued within 18 months of receipt of an administratively complete significant modification application, and also the number that were issued within 9 months. Note that 7(c) is a subset of 7(b). If no significant modifications were issued during the 6 month reporting period, report "zero" in 7(a) and "not applicable" in 7(b) and 7(c). Start the application clock on the submittal date of an administratively complete significant modification application. Do not restart the clock for additional information submissions.
	b) Number of significant modifications finalized during 6 month reporting period that were issued within 18 months: 2	
	c) Number of significant modifications finalized during 6 month reporting period that were issued within 9 months: 1	
8. Outstanding Significant Permit Modifications	Total number of active significant modification applications older than 18 months: 0	<ul style="list-style-type: none"> This element tracks all active, administratively complete significant permit modification applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. Do <u>not</u> count significant modification applications the Permitting Authority has taken final action on.
9. Comments and Additional Information		Permitting authorities may provide any additional information in this section. For example, a permitting authority may address data changes, data management issues, general permits, multiple permits issued to single stationary sources, synthetic minor information, additional relevant data, etc.

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PADEP Semiannual TOPS Report
January 2025- June 2025

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Appendix C

Graph of PA Backlog from 2010 – 2025



Appendix D

PADEP Financial Data Form for TV Program Evaluation

Financial Data Form for 40 CFR Part 70 Fee Evaluation

from March 27, 2018 Memo Titled "Program and Fee Evaluation Strategy Guidance for 40 CR Part 70"

Permitting Authority: PA DEP

Annual Period: 07/01/2023 to 06/30/2024

Annual Program Revenue		
A	Total Program Revenue (Fees Paid by Part 70 Sources)	\$ 16,370,000
Annual Presumptive Minimum Cost Calculation		
B	Total Emissions of "Regulated Pollutants (for presumptive fee calculation)"	109,510 tons
C	Presumptive Minimum Fee Rate During Period (\$/ton)	\$ 104.72 per ton
D	Total Greenhouse Gas (GHG) Cost Adjustments (as applicable)	\$ N/A
E = (B*C)+D	Presumptive Minimum Cost for the Program	\$ 11,470,000
A < E or A ≥ E	Compare Total Program Revenue to Presumptive Minimum Cost Enter: "Less Than" or "Greater Than" or "Equal To"	A > E
Annual Program Costs		
F	Direct Labor Costs ¹	\$ 19,760,000
G	Other Direct Costs ²	\$ 1,860,000
H = F+G	Total Direct Costs	\$ 21,620,000
I	Known Indirect Costs ³	\$
J = K*L	Calculated Indirect Costs ⁴	\$
K	Indirect Rate	%
L	Total Cost Base for the Part 70 Program	\$
M = I or J	Total Indirect Costs	\$
N = H+M	Total Program Costs	\$ 21,620,000
O = A - N	Annual Operating Result (Report deficits in parentheses)	\$ (5,250,000)

¹ This is the sum of all direct labor costs, including regular payroll, overtime payroll, leave, fringe, and any other administrative surcharges.

² This is the sum of all other direct costs, including travel, materials, equipment, contractor, and any other costs directly allocable to the part 70 program.

³ Indirect Costs may either be known or calculated. If known, enter on this row; if calculated, skip to the next three rows.

⁴ If Indirect Costs are calculated, enter the result here, and enter the rate and base below. Accounting or budgeting personnel may be able to provide additional information on or assistance with calculating Indirect Costs.

Appendix D

PADEP Financial Data Form for TV Program Evaluation

Program Balance of Accounts (Report deficits in parentheses)		
P	Beginning of Year Balance ⁵	\$ 10,910,000
Q = O	Annual Operating Result	\$ 5,250,000
R	Fee Revenue Transferred In (describe in comments)	\$
S	Non-Exchange Revenue Transferred In (describe in comments)a- Informational Only	\$
T	Fee Revenues Transferred Out (describe in comments)	\$ ()
U = O+Q+R-T	End of Year Balance	\$ 5,660,000

COMMENTS:

Use this section to describe any changes in accounting methods or program elements that affect the fee program, categories of revenue or expenses that do not fit into any of the listed categories or apply across multiple categories, transfers in or out, or any unusual activities or circumstances relevant to fees administration. Attach additional pages if needed.

⁵ This is the prior year's "End of Year Balance."