DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Air Quality

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POLICY:	Plan Approval and Operating Permit Exemptions
PURPOSE:	This document provides criteria for sources and physical changes to sources determined to be eligible for permitting exemptions as sources of minor significance.
APPLICABILITY:	Staff/Regulated Public
DISCLAIMER:	The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in these policies or procedures will affect regulatory requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of the Department to give these rules that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.
PAGE LENGTH:	21 pages

TABLE OF CONTENTS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY

NOTICE
Plan Approval and Operating Permit Exemptions

Consistent with the applicable provisions of the Pennsylvania Air Pollution Control Act (APCA), 35 P.S. § 4001 et seq. and 25 Pa. Code § 127.14 (relating to exemptions), the Department of Environmental Protection (Department or DEP) may determine sources or classes of sources to be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). This guidance document identifies the following: exemptions under § 127.14(a); exemptions under § 127.14(a)(8) that do not require submission of a Request for Determination (RFD) form; exemption criteria that the Department may use when an owner or operator of a source or facility is seeking an exemption from plan approval; further qualifications regarding plan approval exempted sources; exemptions under § 127.14(a)(9) related to physical changes; and exemption criteria for operating permits. This amended guidance document is applicable to sources that will be constructed as new or modified sources after the effective date of this document. It does not apply to sources that were constructed or modified prior to the effective date of this guidance document and operating lawfully without a permit. Sources exempted from plan approvals are not automatically exempted from operating permit requirements.

Words and terms that are not defined in this document have the meaning set forth in 25 Pa. Code § 121.1 (relating to definitions) or the APCA (35 P.S. § 4003), 25 Pa. Code Chapters 121 - 145 and applicable definitions codified in the Code of Federal Regulations (CFR), including 40 CFR Parts 60 and 63.

Listing of Plan Approval Exemptions

Section 127.14(a) Exemptions

In accordance with § 127.14(a), approval is not required for the construction, modification, reactivation or installation of the following:

1. Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.

2. Combustion units rated at 2.5 million or less Btus per hour of heat input.

3. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by a public utility or by commercial fuel oils which are No. 2 or lighter - viscosity less than or equal to 5.82 C St -- and which meet the sulfur content requirements of § 123.22 (relating to combustion units). Combustion units converting to fuel oils which are No. 3 or heavier-viscosity greater than 5.82 C St or contain sulfur in excess of the requirements of § 123.22 require approval. For the purpose of this section, commercial fuel oil shall be virgin oil which contains no reprocessed, recycled, or waste material added.

4. Sources used in residential premises designed to house four or less families.

5. Space heaters which heat by direct heat transfer.

6. Mobile sources.

7. Laboratory equipment used exclusively for chemical or physical analyses.

8. Other sources and classes of sources determined to be of minor significance by the Department.

Section 127.14(a)(8) Exemptions

The following is a list of those sources and classes of sources determined, in accordance with § 127.14(a)(8), to be exempt from the Plan Approval requirements of §§ 127.11 and 127.12. The commencement of construction of sources is exempted from the plan approval requirements provided the exemption criteria are met. Unless labeled otherwise, emission rates are to be considered actual tons per year (tpy). Note that certain exceptions and qualifications regarding this list are contained in the discussion that follows the list.

1. Incinerators with rated capacities less than 75 lb per hour burning a municipal or residual waste as defined by the Bureau of Waste Management.

2. Shot blast and sandblasting units with appropriately designed fabric collectors, cartridge collectors or scrubbers manufactured as an integral part of the design and which have exhaust volumes equal to or smaller than 5,000 scfm.

3. Combustion turbines rated at less than 1,000 horsepower or 10.7 gigajoules per hour.

4. Internal combustion engines rated at less than 100 brake horsepower. Note Category 38 addresses oil and gas facilities.

5. Portable, temporary internal combustion engines used for 14 days or less at special events (such as county fairs, circuses and concerts).

6. Internal combustion engines regardless of size, with combined NO_x emissions less than 100 lbs/hr, 1000 lbs/day, 2.75 tons per ozone season and 6.6 tpy on a 12-month rolling basis for all exempt engines at the site.

7. Natural gas-fired heat-treating furnaces with less than 10 million Btus per hour heat input (fuel burning emissions only).

8. Steam aspirated vacuum degassing of molten steel.

9. Coal-handling facilities processing less than 200 tons per day. (Thermal coal dryers and pneumatic coal cleaners remain subject to the requirements of § 127.11). This exemption includes internal combustion engines meeting the criteria for plan approval exemption described in Category 6 above.

10. Wet sand and gravel operations (screening only) and dry sand and gravel operations (including crushers) processing unconsolidated materials with a rated capacity of less than 150 tons per hour.

11. Coal and non-metallic mineral-handling activities directly associated with either deep or surface mines that consist only of conveyors and non-vibratory screens (aka grizzlies). This exemption includes internal combustion engines meeting the criteria for plan approval exemption described in Category 6 above.

12. Portable crushers that are controlled with properly located water sprays or with fabric filters, have a rated capacity of less than 150 tons per hour, operated during daylight, and located on a site for less than 60 days provided, however, that the crushers do not process materials containing asbestos. This exemption includes: associated screens and drop points; tub grinders used to mulch grubbing waste; and internal combustion engines meeting the criteria for plan approval exemption described in Category 6 above.

13. Concrete batch plants and associated storage vessels that are equipped with appropriately designed fabric collectors.

14. Bulk material storage bins, except those associated with a production facility with total actual facility particulate emissions greater than 10 tpy.

15. Storage vessels for volatile organic compounds [which do not contain hazardous air pollutants (HAPs)] which have capacities less than 40 m^3 (10,000 gallons) based on vessel dimensions, unless subject to § 129.59 (bulk gasoline terminals) or § 129.60(b) and (c) (bulk gasoline plants).

16. Storage vessels containing non-VOC, non-malodorous, or non-hazardous air pollutant materials.

17. Diesel fuel; Nos. 2, 4 and 6 fuel oils; or kerosene and jet fuel storage and dispensing facilities as long as the stored or dispensed product has a vapor pressure less than 1.5 psia.

18. Covered wastewater transfer systems such as covered junction boxes, sumps, and tanks at industrial sites.

19. Plastic bead or pellet milling, screening, and storage operations (does not include handling and storage of resin powders).

20. Plastic parts casting ovens and injection molding processes.

21. Tire buffing.

22. Paper trimmers/binders.

23. Vocational education shops. Chemistry laboratories at schools and colleges.

24. Bench-scale laboratory equipment used for kinetic studies, mass/energy transport studies, chemical synthesis and physical or chemical analysis.

25. Research and development activities with annual emission rates:

    i. less than or equal to 20 tpy of CO;

    ii. less than or equal to 0.12 tpy of lead;

iii. less than or equal to 3 tpy of PM_{10};

iv. less than or equal to 8 tpy of SO_2 or VOC;

v. less than or equal to 10 tpy of NO_x;

vi. less than or equal to one tpy of a single HAP or 2.5 tpy of a combination of HAPs.

26. Woodworking facilities including sawmills and pallet mills which process green wood; or, small woodworking facilities processing kiln-dried wood or wood products (flakeboard, particleboard, etc.) associated with pattern shops, retail lumber yards, shipping and packing departments, etc. This category also includes woodworking facilities of any size processing kiln-dried wood or wood products equipped with appropriately designed fabric collectors designed to have emission rates that are less than 0.01 gr/dscf.

This exemption does not apply to woodworking facilities processing wood that has been treated with a wood preservative of any kind. The term "woodworking facilities" refers only to operations in which wood or a wood product is sawed, sanded, planed, or similarly shaped or reshaped. The term does not include such activities as painting, finishing, hardboard manufacturing, plywood manufacturing, and the like.

27. Smokehouses.

28. Slaughterhouses (rendering cookers remain subject to the requirements of § 127.11).

29. Restaurant operations.

30. Degreasing operations using solvents containing no more than 5% VOC by weight, except those emitting more than 2.7 tons of VOCs or those subject to the Federal NESHAP for halogenated solvent cleaners under 40 CFR Part 63.

31. Sources of uncontrolled VOC emissions not addressed elsewhere in this exemption listing modified or newly added, such that emission increases are less than 2.7 tpy. Facilities' claiming this exemption must provide a 15-day prior written notification to the Department and limit VOC emission increases to less than 2.7 tpy.

32. Dry-cleaning facilities that are not subject to § 129.70, NSPS, MACT (area MACT sources are currently deferred from plan approval and operating permit requirements), PSD or NSR requirements.

33. a. Retail gasoline dispensing facilities and similar vehicle-fueling operations at industrial facilities.

b. Compressed natural gas dispensing facilities meeting the following requirements:

i. Combined NO_x emissions from the stationary internal combustion engines at a facility less than 100 lbs/hr, 1000 lbs/day, 2.75 tons per ozone season (the period beginning May 1 of each year and ending on September 30 of the same year) and

6.6 tons per year on a 12-month rolling basis. The emissions criteria do not include emissions from sources which are approved by the Department in plan approvals, general plan approval/general operating permits or emissions from sources at the facility approved under Category No. 33a.

ii. Combined VOC emissions from all the sources at the facility less than 2.7 tons on a 12-month rolling basis. If the VOCs include HAPs, the HAP exemption criteria in this paragraph must be met. Compliance with this criterion will be determined using any generally accepted model or calculation methodology. Combined HAP emissions [not including Polychlorinated Biphenyls (PCBs), Chromium (Cr), Mercury (Hg), Lead (Pb), Polycyclic Organic Matter (POM), Dioxins and Furans] at the facility less than 1000 lbs. of a single HAP or one ton of a combination of HAPs in any consecutive 12-month period. The emissions criteria do not include emissions from sources which are approved by the Department in plan approvals, general plan approval/general operating permits, or emissions from sources approved under Category No. 33a. at the facility.

iii. The owner or operator of the compressed natural gas fueling station will annually perform a leak detection and repair (LDAR) program that includes either the use of an optical gas imaging camera such as a FLIR camera or a gas leak detector capable of reading methane concentrations in air of 0% to 5% with an accuracy of +/- 0.2% or other leak detection monitoring devices approved by the Department. The LDAR program will be conducted on valves, flanges, connectors, storage vessels/storage tanks, and compressor seals in natural gas or hydrocarbon liquids service. Leaks are to be repaired no later than 15 days after leak detections unless facility shutdowns or ordering of replacement parts are necessary for repair of the leaks. For the storage vessel, any leak detection and repair are to be performed in accordance with 40 CFR Part 60, Subpart OOOO.

A. A leak is considered repaired if one of the following can be demonstrated:

1. No detectable emissions consistent with Method 21 specified in 40 CFR Part 60, Appendix A;

2. A concentration of 2.5% methane or less using a gas leak detector;

3. No visible leak image when using an optical gas imaging camera;

4. No bubbling at leak interface using a soap solution bubble test specified in Method 21. A procedure based on the formation of bubbles in a soap solution that is sprayed on a potential leak source may be used for those sources that do not have continuously moving parts and that do not have a surface temperature greater than the boiling point or less than the freezing point of the soap solution; or

5. Any other method approved by the Department.

B. Leaks, repair methods and repair delays are to be recorded and those

records should be maintained for five years. If a gas leak detector is used, a leak is to be detected by placing the probe inlet at the surface of a component. The Department may grant an extension for leak detection deadlines or repairs upon written request from the owner or operator of the facility documenting the justification for the requested extension.

34. Sources of particulate matter (not subject to NESHAPs, NSPS, PSD, or major source requirements) that are controlled by a baghouse have an emission rate which meets the limits of Chapter 123 and are exhausted indoors and cannot be bypassed to exhaust to the outdoor atmosphere. These sources should not emit more than 0.12 tpy of lead, one tpy of a single HAP or 2.5 tpy of a combination of HAPs. Multiple sources within this category may be exempt from plan approval requirements.

35. Sources emitting inert gases only, such as argon (Ar), helium (He), krypton (Kr), neon (Ne), and xenon (Xe); pure constituents of air such as nitrogen (N_2), oxygen (O_2), or carbon dioxide (CO_2), or ethane (C_2H_6).

36. Source(s) qualifying under § 127.449 as de minimis emission increases.

37. Sources that exhaust to a filter/baghouse and have particulate loading (before control) below limits specified in Chapter 123.

38(a). Existing oil and gas exploration, development, and production facilities and associated equipment and operations constructed prior to August 10, 2013. Any modification of an existing source or construction of a new source after August 8, 2018, is subject to 38(c).

38(b). Existing oil and gas exploration, development, and production facilities and associated equipment and operations authorized to operate under exemption criteria dated August 10, 2013, but prior to August 8, 2018, of this exemption criteria that meet any of the following provisions (a – d). This exemption criteria also apply to a well that was spudded (drilled) on or after August 10, 2013, but before August 8, 2018, and an air contamination source that was constructed, reconstructed or modified on or after August 10, 2013, but before August 8, 2018:

a. Site preparation, well drilling, hydraulic fracturing, completion, and work-over activities for conventional and unconventional well sites.

b. Conventional wells, wellheads and all other associated equipment. A conventional well is any well that does not meet the definition of unconventional gas well in 58 PA.C.S § 3203.

c. Non-road engines as defined in 40 CFR § 89.2.

d. Unconventional wells, wellheads, and associated equipment, provided the applicable exemption criteria specified in subparagraphs i, ii, iii, iv and v are met.

i. Within 60 days after the well is put into production, and annually thereafter, the owner/operator will perform a leak detection and repair (LDAR) program that includes either the use of an optical gas imaging camera, Method 21 of 40 CFR Part 60, or other leak detection monitoring devices approved by the Department.

LDAR is to be conducted on valves, flanges, connectors, storage vessels/storage tanks, and compressor seals in natural gas or hydrocarbon liquids service. Leaks are to be repaired no later than 15 days after leak detections unless facility shutdowns or ordering of replacement parts are necessary for repair of the leaks. The optical gas imaging camera, Method 21, or other Department-approved gas leak detection equipment is to be operated in accordance with manufacturer-recommended procedures. For the storage vessel, any leak detection and repair will be performed in accordance with 40 CFR Part 60, Subpart OOOO.

A. A leak is considered repaired if one of the following can be demonstrated:

1. No detectable emissions consistent with Method 21 specified in 40 CFR Part 60, Appendix A;

2. A concentration of 2.5% methane or less using a gas leak detector and a VOC concentration of 500 ppm or less;

3. No visible leak image when using an optical gas imaging camera;

4. No bubbling at leak interface using a soap solution bubble test specified in Method 21; or a procedure based on the formation of bubbles in a soap solution that is sprayed on a potential leak source may be used for those sources that do not have continuously moving parts and that do not have a surface temperature greater than the boiling point or less than the freezing point of the soap solution; or

5. Any other method approved by the Department.

B. Leaks, repair methods and repair delays will be recorded and those records should be maintained for five years. If a gas leak detector is used, a leak is to be detected by placing the probe inlet at the surface of a component. The Department may grant an extension for leak detection deadlines or repairs upon the receipt of a written request from the owner or operator of the facility documenting the justification for the requested extension.

ii. Storage vessels/storage tanks or other equipment equipped with VOC emission controls achieving emissions reduction of 95% or greater. Compliance will be demonstrated consistent with 40 CFR Part 60, Subpart OOOO, as applicable, or an alternative test method approved by the Department.

iii. Combined VOC emissions from all the sources at the facility less than 2.7 tons on a 12-month rolling basis. If the VOCs include HAPs, the HAP exemption criterion in this paragraph will be met. Compliance with this criterion is to be determined using any generally accepted model or calculation methodology. Combined HAP emissions [not including Polychlorinated Biphenyls (PCBs), Chromium (Cr), Mercury (Hg), Lead (Pb), Polycyclic Organic Matter (POM), Dioxins and Furans] at the facility less than 1000 lbs of a single HAP or one ton of a combination of HAPs in any consecutive 12-month period. The emission

criteria do not include emissions from sources which are approved by the Department in plan approvals or general plan approvals/general operating permits at the facility and the emissions from sources meeting the exemption criteria in subparagraphs i, ii, and iv.

iv. Flaring activities as outlined below:

A. Flaring used at exploration wells to determine whether oil and/or gas exists in geological formations or to appraise the physical extent, reserves and likely production rate of an oil or gas field.

B. Flaring used for repair, maintenance, emergency or safety purposes.

C. Flaring used for other operations at a wellhead or facility to comply with 40 CFR Part 60, Subpart OOOO requirements as applicable.

D. Enclosed combustion device including enclosed flare will be used for all permanent flaring operations at a wellhead or facility. These flaring operations will be designed and operated in accordance with the requirements of 40 CFR § 60.18.

v. Combined NOx emissions from the stationary internal combustion engines at wells, and wellheads less than 100 lbs./hr., 1000 lbs./day, 2.75 tons per ozone season (the period beginning May 1 of each year and ending on September 30 the same year), and 6.6 tons per year on a 12-month rolling basis. The emission criteria do not include emissions from sources which are approved by plan approvals or the general plan approvals/general operating permits at the facility.

The owner or operator will comply with all applicable state and federal requirements including notification, recordkeeping, and reporting requirements as specified in 40 CFR Part 60 Subpart OOOO as applicable. The owner or operator will also demonstrate compliance with the exemption criteria to the Department using any generally accepted model or calculation methodology within 180 days after the well completion or installation of a source.

The owners and operators of sources not meeting the provisions of subsections a.- d. of this category may submit an RFD to the Department. If the RFD is not approved by the Department, an application for authorization to use a general permit or a plan approval application is to be submitted to the Department, as appropriate.

If drilling a new well or hydraulically refracturing an existing well, or adding new, reconstructed or modified equipment to an existing facility previously exempt under Category 38(a) or 38(b), the owner or operator can meet the exemption criteria under 38(c); submit and obtain approval for an RFD; or apply for, and receive, authorization to use GP-5A.

If the source does not meet the exemption criteria under 38(c), an authorization cannot be granted under GP-5A and an RFD is not approved by the Department, a plan approval and/or an operating permit issued in accordance with 25 Pa. Code, Chapter 127, Subchapter B (relating to plan approval requirements) and/or Subchapter F (relating to operating permit requirements) will be required, as appropriate.

38(c) Oil and gas exploration, development, and production facilities and associated equipment and operations for which construction or reconstruction commenced on or after August 8, 2018, of this Exemption criteria meeting the following provisions **or** drilling (spudding) a new well; hydraulically refracturing an existing well; or adding new, reconstructed, or modified equipment to an existing facility previously exempted from plan approval and operating permit, meeting the following provisions:

a. Conventional wells, wellheads and all other associated equipment. A conventional well is any well that does not meet the definition of unconventional gas well in 58 PA.C.S § 3203.

b. Site preparation, well drilling, hydraulic fracturing, completion, work-over activities and associated temporary flaring operations for conventional and unconventional well sites.

c. Unconventional natural gas well site operations or remote pigging stations, provided they meet the following criteria:

i. The owner or operator must comply with the following leak detection and repair (LDAR) program.

Within 60 days after the well is put into production, and semi-annually thereafter, the owner/operator will perform LDAR that includes the use of an optical gas imaging camera calibrated according to 40 CFR § 60.18 and a detection sensitivity level of 60 grams/hour, Method 21 of 40 CFR Part 60, or other leak detection monitoring devices approved by the Department. LDAR is to be conducted on valves, flanges, connectors, storage vessels/storage tanks, and compressor seals in natural gas or hydrocarbon liquids service. Leaks are to be repaired no later than 15 days after leak detections unless facility shutdowns or ordering of replacement parts are necessary for repair of the leaks. The optical gas imaging camera, Method 21, or other Department-approved gas leak detection equipment is to be operated in accordance with manufacturer-recommended procedures. For the storage vessel, any leak detection and repair will be performed in accordance with 40 CFR Part 60, Subpart OOOO or Subpart OOOOa, as applicable.

A. A leak is considered repaired if one of the following can be demonstrated:

1. No detectable emissions consistent with Method 21 specified in 40 CFR Part 60, Appendix A;

2. A leak of less than 500 ppm calibrated as methane is detected when the gas leak detector probe inlet is placed at the surface of the component;

3. No visible leak image when using an optical gas imaging camera;

4. No bubbling at leak interface using a soap solution bubble test specified in Method 21; or a procedure based on the formation of

bubbles in a soap solution that is sprayed on a potential leak source may be used for those sources that do not have continuously moving parts and that do not have a surface temperature greater than the boiling point or less than the freezing point of the soap solution; or

5. Any other method approved by the Department.

B. Leaks, repair methods and repair delays will be recorded and maintained for five years. If a gas leak detector is used, a leak is to be detected by placing the probe inlet at the surface of a component. The Department may grant an extension for leak detection deadlines or repairs upon the receipt of a written request from the owner or operator of the facility documenting the justification for the requested extension.

ii. Combined VOC emissions from all sources including tanker truck loadouts at the facility less than 2.7 tons on a 12-month rolling basis. If the VOCs include HAPs, the HAP exemption criterion in this paragraph will be met. Compliance with this criterion is to be determined using any generally accepted model or calculation methodology. Combined HAP emissions [not including Polychlorinated Biphenyls (PCBs), Chromium (Cr), Mercury (Hg), Lead (Pb), Polycyclic Organic Matter (POM), Dioxins and Furans] at the facility less than 1000 lbs of a single HAP or one ton of a combination of HAPs in any consecutive 12-month period. The emission criteria do not include emissions from sources which are approved by the Department in plan approvals or general plan approvals/general operating permits at the facility.

iii. Methane emissions from each individual source at the facility less than 200 tpy.

iv. Non-road engines as defined in 40 CFR § 89.2.

v. Internal combustion engines regardless of size, with combined NOx emissions less than 100 lbs/hr, 1000 lbs/day, 2.75 tons per ozone season and 6.6 tons per year on a 12-month rolling basis for all exempt engines at the site. The emission criteria do not include emissions from sources which are approved by the Department in plan approvals or the general plan approvals/general operating permits at the facility. For control of NO_x emissions with a technology that uses ammonia or urea as a reagent, the exhaust ammonia slip is limited to 10 ppmvd or less corrected to 15% O_2.

vi. The owner or operator that conducts pigging operations shall employ best management practices to minimize the liquids present in the pig receiver chamber and to minimize emissions from the pig receiver chamber including, but not limited to, installing liquids ramps, installing liquids drains, routing high-pressure chambers to a low-pressure line or vessel, using ball valve type chambers, or using multiple pig chambers. The selection of the appropriate best management practices must be documented.

The owners and operators of sources not meeting the provisions of subsections a.- c. of this category may submit an RFD form to the Department. If the RFD is not approved by the Department, an application for authorization to use a general permit or a plan approval application is to be submitted to the Department, as appropriate.

The owner or operator will also comply with all applicable state and federal requirements including notification, recordkeeping, and reporting requirements as specified in 40 CFR Part 60 Subpart OOOO or Subpart OOOOa, as applicable.

The owner or operator shall keep adequate records for five years, including but not limited to, a representative fractional analysis of the gas processed by the facility to demonstrate compliance with the exemption criteria using any generally accepted model or calculation methodology.

39. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by an independent gas producer. Sources firing natural gas supplied by an independent producer shall be given the same consideration given sources that fire natural gas provided by a public utility.

40. Any source qualifying for exemption based on criteria contained in a general permit developed in accordance with the procedures described in §§ 127.601 through 127.642.

41. Powdered metal sintering furnaces using only organic lubricants equal to or less than 0.75% organic lubricant by weight. The furnace atmosphere must contain hydrogen (H_2) at 3% or greater. The furnace must also maintain an operating flame curtain between the part entry and pre-heat zone. In the absence of an operating flame curtain, the furnace must operate an afterburner.

A sintering furnace using only metal-containing lubricants may be exempted if the furnace emits particulate matter not exceeding 0.15 lb./hr. (determined by mass balance or stack tests). Note: For mass balance purposes, the following conversion factors are to be used:

Zinc Stearate to Zinc Oxide particulate matter = 0.129,
Lithium Stearate to Lithium Carbonate particulate matter = 0.15.

The Department may approve alternate conversion factors provided a satisfactory written justification from the applicant is submitted to the Department.

A sintering furnace using organic lubricants and operating outside the limitations specified above may be exempted under a case-by-case determination through the execution of an RFD application form. The owner/operator of a sintering furnace exempt from permitting requirements must notify the Department within 30 days of the furnace installation. For sintering furnaces using metal-containing lubricants, records must be maintained to demonstrate compliance with the particulate matter emission limit of 0.15 lb/hour for each product.

Facilities that use both organic and metal-containing lubricants are exempted if the lubricants are less than 0.75% organic lubricant by weight; and, the furnace is designed and operated as described in the preceding paragraph and emits particulate matter at rates less than 0.15 lb./hr (determined by mass balance or stack tests).

The previous exemption does not apply to sintering furnaces used to sinter parts that are treated with oil.

42. Facilities engaged primarily in collision repair and refinishing of automobiles and light-duty trucks.

43. Remediation of gasoline or fuel oil contaminated soil, groundwater or surface water by equipment installed, maintained and operated as provided herein. All air exhaust points are controlled by dual, activated carbon beds operating in series or a thermal/catalytic oxidizer. For activated carbon beds, monitoring (e.g. intrinsically safe ionization detector) at an appropriate frequency (e.g., one-fourth the predicted time to breakthrough of the first bed) must be performed at the inlet, between the first and second beds and after the second bed. If breakthrough of the first bed is detected, the first bed is removed, the second bed is shifted to the first position and the new bed is placed in the second position. Monitoring, operating, and maintenance records are maintained and available to the Department upon request. Equipment installed and operated as described above must be designed to achieve a minimum VOC control efficiency of 90%. As long as actual annual emissions after control are less than one tpy VOC or HAPs, the remediation project is determined to be of minor significance in accordance with § 127.14(8), no Air Quality Plan Approval is required, and no RFD needs to be filed. Other remediation projects may be considered for exemption via an RFD and may be required to obtain Plan Approval at the discretion of the Department on a case-by-case basis.

44. Any source granted an exemption by the Department through the execution of an RFD form.

Further Qualifications Regarding Plan Approval Exempted Sources

1. This notice shall not be construed to exempt facilities that include multiple sources of air contaminants, unless specifically stated in the source category.

2. The addition of any source that would subject the facility to major source New Source Review or Prevention of Significant Deterioration, Title V or Reasonably Available Control Technology (RACT) requirements shall comply with plan approval requirements, even if such sources are within a category in the above list.

3. Sources exempt from plan approval may be required to be included in the operating permit if the source is not included in the trivial activity listing.

4. Sources located in Allegheny and Philadelphia Counties may be subject to different permitting requirements. Please contact the Allegheny County Air Quality Program at 412-567-8115 or the Philadelphia Air Management Services at 215-823-7580 for information applicable to sources located in those counties.

5. Any sources claiming an exemption based on emission thresholds must keep adequate records to clearly demonstrate to the Department that the applicable thresholds are not exceeded.

These determinations do not exempt the above-listed sources from compliance with the emission limitations, work practice, and other applicable requirements contained in Chapters 121, 122, 123, 124, 127, 129, and 135. Although a source may be exempt from the plan approval and operating permit requirements of Chapter 127, the source is subject to all other applicable air

quality regulations. For example, combustion units exempt from the requirements of Chapter 127 are not exempt from the opacity limitations of § 123.41 or the emission limitations of § 123.22. Storage vessels for organic compounds with capacities between 2,000 gallons to 40,000 gallons, not subject to the requirements of Chapter 127, must install pressure relief valves in accordance with the requirements of § 129.57. (Note: Storage vessels in this size range would also not be subject to the requirements of §§ 129.59 and 129.60.)

If the Department determines that any exempted source is causing air pollution in violation of Section 8 of the Air Pollution Control Act, 35 P. S. § 4008, or 25 Pa. Code 121.7, the Department may order the installation of additional air cleaning devices. In those cases, plan approvals and operating permits may be required.

Requests for exemptions from the plan approval requirements of Chapter 127 for multiple source facilities must be considered on a case-by-case basis.

As noted in Category 44 of the list, additional exemptions, when appropriate, may be obtained through the submission of a completed RFD form. These forms are available from any of the Department's Air Quality offices and on the DEP website at www.dep.pa.gov under the Air Quality page.

Physical Changes Qualifying for Exemption Under Section 127.14(a)(9)

In accordance with § 127.14(a)(9), the Department has determined that the following physical changes qualify for plan approval exemption if the change: a) would not violate the terms of an operating permit, the Air Pollution Control Act, the Clean Air Act or the regulations adopted under the acts; b) would not result in emission increases above the allowable limit in the operating permit; and c) would not result in an increased ambient air quality impact for an air contaminant. These changes may be made without notification to the Department.

Caution: Do not make determinations regarding the following list without consideration of the preceding criteria.

1. Changes in the supplier or formulation of similar raw materials, fuels, paints and other coatings which do not affect emissions and which meet all applicable standards and limitations.

2. Changes in product formulations that do not affect air emissions.

3. Changes that result in different speciation of pollutants but fall within permit limitations.

4. Changes in the method of raw material addition.

5. Changes in the method of product packaging.

6. Changes in temperature, pressure, or other operating parameters that do not adversely affect air cleaning device performance or air emissions.

7. Additions of or changes to sampling connections used exclusively to withdraw materials for testing and analysis including air contaminant detection and vent lines.

8. Changes to paint drying oven length designed to alter curing time, so long as capture efficiencies of control equipment are not altered.

9. Routine maintenance, inspection and cleaning of storage tanks and process vessels or the closure or dismantling of a storage tank or process.

10. Changing water sources to air cleaning devices when there is no effect on air cleaning device performance or air emissions.

11. Moving a source from one location to another at the same facility with no change in operation or controls.

12. Installation of an air-cleaning device that is not installed to comply with regulatory requirements and will not be used to generate emission reduction credits.

13. Repairing, replacing, upgrading, maintaining, or installing pollution control device instrumentation or component equipment including pumps, blowers, burners, filters, filter bags, devices for measuring pressure drop across an air cleaning device or a filter breakage detector for a baghouse, provided such changes would not violate an operating permit term or condition.

14. Installing a fume hood or vent system for industrial hygiene purposes or in a laboratory.

15. The temporary (no longer than six months) replacement of a source with a source of equal or less emission potential.

In accordance with § 127.14(c), additional physical changes may be determined to be of minor significance and not subject to plan approval requirements through the following procedure:

1. If the changes do not involve the installation of equipment, the changes may be made within 7 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 7-day period.

2. If the changes involve the installation of equipment, the changes may be made within 15 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 15-day period.

3. If the change would violate the terms of an operating permit, the plan approval exemption may be processed contemporaneously with the minor operating permit modification under the procedures described in § 127.462.

Exemption Criteria for Operating Permits

A Title V operating permit is needed by all facilities that have the potential to emit (PTE) exceeding the levels described in the definition of "Title V facility." A state-only operating permit is needed for facilities that do not have a PTE which exceeds the Title V facility thresholds, but which has actual emissions equal to or exceeding the facility levels summarized below. An existing facility which does not have a PTE exceeding the Title V facility thresholds and which does not have actual emissions exceeding the levels shown below is exempt from the requirement to obtain an operating permit.

State-Only Operating Permit Facility Exemptions*

Pollutant	PTE<	Actual Emission Rate<
CO	100 TPY	20 TPY
NO_x	100 TPY**	10 TPY
SO_x	100 TPY	8 TPY
PM_{10}	100 TPY	3 TPY
VOCs	50 TPY**	8 TPY
Single HAP	10 TPY	1 TPY
Multiple HAPs	25 TPY	2.5 TPY

* Sources located in Allegheny and Philadelphia Counties may be subject to different permitting requirements. Please contact the Allegheny County Air Quality Program at 412-567-8115 or the Philadelphia Air Management Services at 215-823-7580 for information applicable to sources located in those counties.

* 25 tpy for severe ozone nonattainment areas including Bucks, Chester, Delaware, and Montgomery Counties.

Sources listed in the plan approval exemption list should be included in an operating permit application unless it is also included in the listing of trivial activities. When an RFD is issued for a source not included on the list of trivial activities, the source need not be brought onto the operating permit until the renewal of the operating permit. As long as all applicable requirements are met, there is no need to revise an operating permit to include a source installed under an RFD or the de minimis provisions of an operating permit. Only in the case where a physical change of minor significance would violate the terms of an operating permit should a plan approval exemption and a minor permit modification under § 127.462 be processed contemporaneously. A facility that currently has or should have a plan approval or an operating permit is not exempted from the operating permit requirements. However, if the facility would now be eligible for exemption, the owner/operator may submit an RFD in accordance with § 127.14(c).

Exempted Facility and Source Categories for Operating Permits

Unless precluded by the CAA or the regulations thereunder, the following facilities and source categories are exempted from the operating permit requirements of § 127.402.

1. Residential wood stoves.

2. Asbestos demolition/renovation sites.

3. Facilities engaged primarily in collision repair and refinishing of automobiles and light-duty trucks.

4. Retail gasoline stations.

Deferral of Operating Permit Requirements for Area Sources

Sources subject to MACT standards are not exempted from operating permit requirements. However, the permitting of MACT area sources will be deferred at this time. Area MACT sources emit or have the

PTE less than 10 tpy of any hazardous air pollutant or 25 tpy of any combination of hazardous air pollutants. These non-major sources include: perchloroethylene dry cleaning, halogenated solvent cleaning, ethylene oxide commercial sterilization and fumigation operations, hard and decorative chromium electroplating, chromium anodizing tanks and secondary lead smelters. These MACT area sources are still required to meet all applicable emission control requirements established by the respective MACT requirement. The owner or operator of a MACT area source need not submit an operating permit application until December 9, 2004.

Trivial Activities

Trivial activities are those located within a facility which do not create air pollution in significant amounts. These insignificant activities need not be described in a Title V or state-only operating permit application. Also, these activities do not require a plan approval. Sources listed in the plan approval exemption list should be included in an operating permit application unless they are also included in the following list. Certain of these listed activities include qualifying statements intended to exclude many similar activities.

1. Combustion emissions from propulsion of mobile air contamination sources. The term "mobile air contamination source" means an air contamination source, including, but not limited to, automobiles, trucks, tractors, buses and other motor vehicles; railroad locomotives; ships, boats and other waterborne craft. The term does not include a source mounted on a vehicle, whether the mounting is permanent or temporary, that is not used to supply power to the vehicle. Examples might include lawn mowers, tow and lift vehicles, and the like.

2. Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the CAA.

3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process.

4. Electric space heaters. Propane and gas-fired space heaters with a plant-wide capacity less than 2.5 million Btus per hour heat input and which have not been subject to RACT requirements.

5. Electrically heated furnaces, ovens and heaters, and other electrically operated equipment from which no emissions of air contaminants occur.

6. Non-commercial food preparation.

7. Use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.

8. Any equipment, machine or device from which emission of an air contaminant does not occur.

9. Janitorial services and consumer use of janitorial products.

10. Internal combustion engines used for landscaping purposes.

11. Garbage compactors and waste barrels.

12. Laundry activities, except for dry-cleaning and steam boilers.

13. Bathroom/toilet vent emissions.

14. Emergency (backup) electrical generators at residential locations.

15. Tobacco smoking rooms and areas.

16. Blacksmith forges.

17. Plant maintenance and upkeep activities (such as grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots) provided these activities are not conducted as part of a manufacturing process, not related to the source's primary business activity, and not otherwise triggering a permit modification.[i]

18. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or de-greasing (solvent metal cleaning) activities, and not otherwise triggering a permit modification.

19. Portable electrical generators that can be moved by hand from one location to another.[ii]

20. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning or machining wood, metal or plastic.

21. Brazing, soldering and welding equipment, and cutting torches related to maintenance and construction activities that do not result in emission of HAP metals.[iii]

22. Air compressors and pneumatically operated equipment, including hand tools.

23. Batteries and battery charging stations, except at battery manufacturing plants.

24. Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP.

25. Propane or natural gas tanks and containers.

26. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

27. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

28. Drop hammers or hydraulic presses for forging or metalworking.

29. Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

30. Vents from continuous emissions monitors and other analyzers.

31. Natural gas pressure regulator vents.

32. Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation.

33. Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit VOC or HAP.

34. CO_2 lasers used only on metals and other materials that do not emit HAP in the process.

35. Consumer use of paper trimmers/binders.

36. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.

37. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

38. Laser trimmers using dust collection to prevent fugitive emissions.

39. Bench-scale laboratory equipment used for kinetic studies, mass/energy transport studies, chemical synthesis and physical or chemical analysis.

40. Sources emitting inert gases only, such as argon, helium, krypton, neon, and xenon; pure constituents of air such as nitrogen, oxygen, or carbon dioxide; or the organic aliphatic hydrocarbon gases and ethane.

41. Routine calibration and maintenance of laboratory equipment or other analytical instruments.

42. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

43. Hydraulic and hydrostatic testing equipment.

44. Environmental chambers not using hazardous air pollutant (HAP) gases.

45. Shock chambers.

46. Humidity chambers.

47. Solar simulators.

48. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

49. Process water filtration systems and demineralizers, but not including air strippers.

50. Demineralized water tanks and demineralizer vents.

51. Boiler water treatment operations, not including cooling towers.

52. Oxygen scavenging (de-aeration) of water.

53. Potable water treatment systems.

54. Ozone generators.

55. Fire suppression systems and activities involved in fire protection training, first aid or emergency medical training.

56. Emergency road flares.

57. Steam vents and safety relief valves.

58. Steam leaks.

59. Steam cleaning operations.

60. Steam sterilizers.

61. Reserved.

62. Typesetting, image-setting, and plate-making equipment used in the preparatory phase of printing.

If an applicant conducts an activity that is believed trivial but not covered by this listing, the applicant may list the activity in an operating permit application and provide a written justification for listing the activity as trivial. If the Department accepts the applicant's justification, no further information will be required on the activity. If the Department rejects the justification, additional information must be included in an operating permit application submitted to the Department.

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[i] Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit.

[ii] "Moved by hand" means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.

[iii] Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production level thresholds. Brazing, soldering, welding and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.