

CHAPTER 133. LOCAL AIR POLLUTION AGENCIES

- Sec.
133.1. Purpose.
133.2. Scope.
133.3. Application for approval.
133.4. Factors in evaluating applications for approval.
133.5. Action on applications—general.
133.6. Approval of applications.
133.7. Disapproval of applications.
133.8. Rescinding or suspending of approval.
133.9. Annual review of approval.
133.10. Hearings and Department decisions.

Source

The provisions of this Chapter 133 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804, unless otherwise noted.

§ 133.1. Purpose.

The purpose of this chapter is to establish procedures whereby the Department may determine whether an agency of a county, municipality or group of municipalities may be approved by the Department or to have a previously granted approval rescinded or suspended by the Department.

Source

The provisions of this § 133.1 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

§ 133.2. Scope.

Sources of air contamination or air pollution within the jurisdiction of an agency approved by the Department may not be subject to the procedures for the abatement, reduction, prevention and control of air pollution set forth in the act, except to the extent specifically provided for in section 12 of the act (35 P. S. § 4012).

Source

The provisions of this § 133.2 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

§ 133.3. Application for approval.

(a) An agency intending to operate an air pollution control program within the confines of a political subdivision of the Commonwealth to which the procedures for the abatement, reduction, prevention and control of air pollution as set forth in the act do not apply, shall make application to the Department for approval of the agency and its program.

(b) Applications shall be in writing and shall contain the following information:

(1) A description of the legal authority of the applicant for the establishment of an air pollution control program.

(2) A description of the administrative, technical and enforcement organization and facilities of the applicant, including its financial resources and budget.

(3) A comprehensive air pollution control program plan which describes the nature and extent of the problem, the immediate and long-range objectives of the plan, the measures to be taken to attain the objectives and a schedule for their accomplishment.

(4) A statement of reasons for the need for Department approval of the agency and program.

(c) The information set forth in the application shall be of sufficient detail to enable the Department to evaluate the program of the agency in terms of the criteria set forth in § 133.4 (relating to factors in evaluating applications for approval).

Source

The provisions of this § 133.3 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

§ 133.4. Factors in evaluating applications for approval.

(a) When the Department receives an application for approval from an agency, it will make a determination as to whether the program of the agency is compatible with the program of the Commonwealth under the act and whether the program of the agency provides practical means of achieving its objectives.

(b) In making its determination, the Department will consider whether the program of the agency makes provision for the following:

(1) Control of air pollution from open burning operations.

(2) Control of air pollution from air contamination sources by means of visible, mass and concentration emission standards equal to, or more stringent than, those standards established by the Department for the emissions.

(3) Control of nuisances caused by emissions from air contamination sources not subject to emission standards.

(4) Prevention of air pollution from new air contamination sources by means of a plan approval system.

(5) Establishment of ambient air quality criteria.

(6) Establishment of air stagnation air quality levels.

(7) Establishment of a continuous air monitoring system.

(8) Establishment of a source emission inventory or other system to provide information on the nature and amount of emissions.

(9) Authority to inspect air contamination sources.

- (10) Authority to obtain the data and process information as is necessary to determine violations of emission standards.
- (11) Authority to require air stagnation alert emission control plans.
- (12) Authority to enforce standards and the provisions of codes, rules and regulations.
- (13) Authority to levy fines and penalties for violations, codes, rules or regulations.
- (14) Authority to utilize civil remedies to abate air pollution at the source.

Source

The provisions of this § 133.4 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

Cross References

This section cited in 25 Pa. Code § 133.3 (relating to application for approval).

§ 133.5. Action on applications—general.

Within 60 days of the receipt of an application of an agency, the Department will either approve or disapprove the agency and its program. Approvals and disapprovals will be in writing and will be mailed or otherwise delivered to the agency set forth in the application.

Source

The provisions of this § 133.5 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

§ 133.6. Approval of applications.

(a) When the Department grants approval to an agency, the approval may contain the conditions that the Department deems proper to insure the effective implementation of the program of the agency.

(b) The agency may, within 30 days after receipt of an approval with conditions, request the Department to reconsider the conditions imposed by the approval. The Department will hold a hearing for such purpose.

Source

The provisions of this § 133.6 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

§ 133.7. Disapproval of applications.

(a) When the Department disapproves an application of an agency, the disapproval will set forth the reasons therefor.

(b) The Department, upon written request by an agency whose application has been disapproved and within 30 days after receipt of the disapproval, will hold a hearing to reconsider the disapproval.

Source

The provisions of this § 133.7 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

§ 133.8. Rescinding or suspending of approval.

(a) The Department may rescind approval previously granted to an agency whenever it finds, after affording the agency an opportunity to be heard, that the agency is not operating its program in conformity with the approval granted by the Department, or as set forth in the application of the agency.

(b) The Department may suspend approval previously granted to an agency if it finds, after affording the agency an opportunity to be heard, that the agency is not effectively enforcing the local air pollution control ordinances or regulations. The suspension will not invalidate the local air pollution control ordinances and regulations. Upon the suspension, the Department will assume the enforcement responsibility of the agency and will enforce, by appropriate administrative and legal proceedings, either the local air pollution control ordinances and regulations or section 5 of the act (35 P. S. § 4005) and this article, whichever is appropriate.

(c) If the Department intends to rescind or suspend the approval of an agency previously given, the Department will notify that agency, in writing, of its intent to do so. Thereafter, the agency may, within 30 days after receipt of notice, request the Department to hold a hearing to determine whether the approval of the agency will be rescinded or suspended.

(d) If the agency does not request a hearing by the Department within the 30-day period, the Department may notify the agency that it has rescinded or suspended its approval as of a given date and that, thereafter, the agency is no longer approved by the Department. Notifications will be in writing and mailed or otherwise delivered to the agency.

Source

The provisions of this § 133.8 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

Cross References

This section cited in 25 Pa. Code § 133.9 (relating to annual review of approval).

§ 133.9. Annual review of approval.

The Department will review, on an annual basis, an approval previously granted to an agency. If the review discloses information to the Department on the basis of which the Department would be authorized to rescind or suspend the approval, the Department will notify the agency, in writing, of its intent to rescind or suspend the approval previously granted it. Proceedings will be in conformity with § 133.8 (relating to rescinding or suspending of approval).

Source

The provisions of this § 133.9 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

§ 133.10. Hearings and Department decisions.

After a hearing the Department will notify the agency, in writing, either by mail or other delivery, of its decision. The decision of the Department will affirmatively state the reasons therefor and whether an application is to be disapproved or approved with conditions, or whether an approval previously granted is to be rescinded.

Source

The provisions of this § 133.10 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804.

[Next page is 135-1.]

133-6

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