

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
AIR POLLUTION CONTROL BOARD

**AIR MANAGEMENT REGULATION X**  
**COMPLEX SOURCE REVIEW**

Approved By:

Air Pollution Control Board.....March 12, 1974

Board of Health.....March 20, 1974

Department of Law .....April 2, 1974

Department of Records .....May 4, 1974

This Regulation replaces in its entirety Air Management Regulation X, CONSTRUCTION REVIEW, approved August 20, 1972.

## AIR MANAGEMENT REGULATION X

### COMPLEX SOURCE REVIEW

#### SECTION I. DEFINITIONS

*Complex Source* - A facility, building, structure or installation, or combination thereof, that has or leads to secondary or adjunctive activity which emits or may emit a pollutant for which there is a national ambient air quality standard. These sources include, but are not limited to:

1. Shopping Centers;
2. Sports complexes;
3. Drive-in theaters;
4. Parking lots and garages;
5. Residential, commercial, industrial, and institutional developments;
6. Amusement parks and recreational areas;
7. Highway and transportation facilities;
8. Sewer, water, power, and gas lines, and
9. Other such facilities which will result in increased emissions from motor vehicles or stationary sources.

*National Ambient Air Quality Standards* - Those primary and secondary ambient air quality standards which are promulgated by the Administrator of the United States Environmental Protection Agency.

*Person* - Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau or instrumentality of federal, state or local government or other entity recognized by law as a subject of rights and duties.

*Philadelphia CBD* - The area within the City of Philadelphia bounded by, but not including, Vine Street, South Street, the Schuylkill River, and the Delaware River.

#### SECTION II. GENERAL PROVISIONS

- A. No person shall construct, reconstruct, alter or install any complex source, except as provided in Section II B. before obtaining written approval from the Department for such construction, reconstruction, alteration or installation.
- B. The requirements of Section II A. shall not apply to the following complex sources:
  - 1. Commercial or industrial facilities with gross leasable area or floor space less than 500,000 square feet;
  - 2. New or modified parking facilities within the Philadelphia CBD with total capacity of less than 250 motor vehicles and new or modified parking facilities outside of the CBD with total capacity of less than 500 motor vehicles;
  - 3. Facilities of less than one hundred (100) dwelling units or groups of facilities of less than one hundred dwelling units;
  - 4. Such other complex sources as the Department determines to have negligible air quality impact.
- C. Nothing contained in this Section shall be taken to excuse or relieve any person from complying with any applicable provision of the Air Management Code or any regulation adopted thereunder.

### **SECTION III. AIR QUALITY IMPACT REVIEW**

#### **A. Request for Approval**

Request for approval to construct, reconstruct, alter or install any complex source shall be made to the Department by the person responsible for such source and shall include submission of an air quality impact statement sufficiently detailed to show all actual and potential impacts on the existing air quality resulting directly, or indirectly, from the facility at the site, and in the area, neighborhood and region.

#### **B. Review Procedures**

- 1. The Department shall establish procedures and guidelines for use in the preparation, submission and review of air quality impact statements and shall prescribe the information to be supplied in order to determine the effect of the complex source on air quality.
- 2. Information to be given in the statement shall include, but not be limited to, the following:

- a. Location and general description of the proposed facility or project.
- b. Information on the nature, design, construction and operation of the facility.
- c. Information on the transportation related aspects of the project including mass transit, traffic patterns and parking facilities.
- d. The nature and amounts of air contaminants to be emitted directly from the facility or emitted by associated mobile sources.

Any additional information, evidence or documentation that the Department may require shall be furnished upon request.

3. The Department shall make available for public inspection information submitted by the person responsible for the proposed project or facility, as well as the Department's analysis of the effect on air quality and proposed approval or disapproval, and provide a period of at least thirty (30) days after prominent advertisement for the submittal of public comment.

#### C. Conditions of Approval

1. Approval to construct, reconstruct, alter or install any complex source shall be granted only upon demonstration to the satisfaction of the Department that such source will not violate any provision of the Air Management Code or Regulations of the Air Pollution Control Board or prevent or interfere with the attainment or maintenance of any national ambient air quality standard in the neighborhood, area or region.
2. Such approval shall not exempt any person from prosecution for violation of the Air Management Code, Regulations of the Air Pollution Control Board or any applicable laws of the Commonwealth of Pennsylvania or the United States Government.

#### **SECTION IV. SEVERABILITY**

The provisions of these Regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these Regulations would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had not specifically been exempted

therefrom.

## **SECTION V. EFFECTIVE DATE**

Except as otherwise provided, this Regulation shall become effective upon adoption.