

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

ARTICLE I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUBPART C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

**CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION, AND
OPERATION OF SOURCES**

Subchapter B. PLAN APPROVAL REQUIREMENTS

§ 127.12b. Plan approval terms and conditions.

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(d) The plan approval shall authorize temporary operation to facilitate shakedown of sources and air cleaning devices, to permit operations pending issuance of a permit under Subchapter F (relating to operating permit requirements) or Subchapter G (relating to Title V operating permits) or to permit the evaluation of the air contamination aspects of the source. This temporary operation period will be valid for a limited time, not to exceed 180 days, but may be extended for additional limited periods, each not to exceed [120] 180 days.

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§ 127.12d. Completeness determination.

(a) The Department will determine if an application for plan approval is administratively complete and will provide written notice of the completeness determination to the applicant.

(b) For purposes of this section, an application is administratively complete if it contains the necessary information, maps, fees and other documents, regardless of whether the information, maps and documents would be sufficient to justify issuance of the plan approval.

(c) If the Department determines that the application is not administratively complete, the Department will return the application and fees to the applicant, along with a written statement of the specific information, maps, fees and documents that are required to make the application administratively complete.

§ 127.44. Public notice.

(a) The Department will publish in the *Pennsylvania Bulletin* a notice of receipt and intent to issue for each plan approval application, except plan approval applications subject to the notice requirements of subsection (b) of this section. The notice of receipt and intent to issue will include the following:

- (1) The name and address of the applicant.**
- (2) The location and name of the plant or facility at which the construction, modification, reactivation or installation is proposed.**
- (3) A brief description of the proposed action, including a general description of the equipment to be installed or modified along with the anticipated pollutant emission increases or decreases.**
- (4) The name and telephone number of a person to contact for additional information.**
- (5) The location of the regional office where the application may be reviewed.**

[(a)] (b) The Department will prepare a notice of action to be taken on applications for plan approvals for the following:

- (1) Sources subject to Subchapter D (relating to prevention of significant deterioration of air quality).
- (2) Sources subject to Subchapter E (relating to new source review).
- (3) Sources of VOCs that submit plan approval applications demonstrating compliance with Chapter 129 (relating to standards for sources) using §129.51(a) (relating to general).
- (4) Sources located within a Title V facility.

[(5) Other sources required to obtain plan approval.]

[(6)] (5) Other sources, **including synthetic minor permit applications**, for which the Department has determined there is substantial public interest or for which the Department invites public comment.

[(b)] (c) The notice required by subsection **[(a)](b)(1)–(4)** will be completed and sent to the applicant, the EPA, any state within 50 miles of the facility and any state whose air quality may be affected and that is contiguous to this Commonwealth. The applicant shall, within 10 days of receipt of notice, publish the notice on at least 3 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; proof of the publication shall be filed with the Department within 1 week thereafter. A plan approval will not be issued by the Department in the event of failure by the applicant to submit the proof of publication.

[(c)] (d) If the Department denies a plan approval, the requirements of subsection **[(b)] (c)** do not apply. Written notice of a denial will be given to requestors and to the

applicant **in accordance with the requirements of § 127.13c. (relating to notice of basis for certain plan approval decisions).**

~~[(d)]~~~~(e)~~ In each case, the Department will publish notices required in **this section** ~~[subsection (a)]~~ in the *Pennsylvania Bulletin*.

~~(e)]~~~~(f)~~ The notice will state, at a minimum, the following:

(1) The location at which the application may be reviewed. This location shall be in the region affected by the application.

(2) A 30-day comment period, from the date of publication, will exist for the submission of comments.

(3) Plan approvals issued to sources identified in subsection ~~[(a)]~~~~(b)~~ (1)-(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP and will be submitted to the EPA for review and approval.

§ 127.45. Contents of notice.

The notices of proposed plan approval issuance required by § 127.44~~[(a)]~~~~(b)~~ (relating to public notice) shall include the following:

- (1) The name and address of applicant.
- (2) The location and name of the plant or facility at which construction, ~~[or] modification,~~ **or installation is [taking place] proposed.**
- (3) The type and quantity of air contaminants being emitted.
- (4) For sources subject to Subchapter D (relating to prevention of significant deterioration of air quality), the degree of increment consumption expected to result from the operation of the plant or facility.
- (5) **A brief description of [T]**the conditions being placed in the plan approval **[and a brief description of the reasons for including these conditions]** with reference to applicable State and Federal requirements.
- (6) A description of the procedures for reaching a final decision on the proposed plan approval action including:
 - (i) The ending date for the receipt of **written comments or** written protests.
 - (ii) Procedures for requesting a hearing and the nature of that hearing.

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§ 127.48. Conferences and hearings.

(a) Prior to any plan approval issuance, the Department may, in its discretion, hold a fact finding conference or hearing at which the petitioner, and any person who has properly filed a protest under § 127.46 (relating to filing protests) may appear and give testimony; provided, however, that in no event will the Department be required to hold such a conference or hearing.

(b) The applicant, the protestant, **commentators** and other participants will be notified of the **date**, time, place and purpose of a conference or hearing, in writing or by publication in a newspaper **of general circulation in the county in which the source is to be located** **[or]and** the *Pennsylvania Bulletin*, except where the Department determines that notification by telephone will be sufficient.