



Final Rulemaking Permit Streamlining

***25 Pa. Code, Chapter 127, Subchapter B
Plan Approval Requirements***

Environmental Quality Board

Harrisburg, Pennsylvania

February 19, 2008

Thomas K. Fidler, Deputy Secretary

Office of Air, Waste and Radiation Management



Overview of the Permit Streamlining Initiative

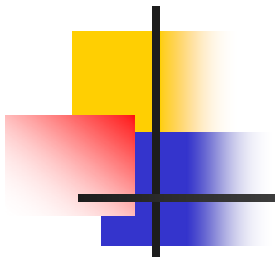
- The final regulation is part of the Department's Permit Streamlining Initiative to determine ways to improve the permitting process.
- Other components of the initiative include:
 - Issuance of additional General Permits;
 - Execution of an MOU amongst the EPA, Federal Land Managers, and DEP to expedite the processing of certain permits for major facilities; and
 - Development of an on-line application for Requests For Determination of plan approval applicability.



Overview of the Permit Streamlining Regulation

The final regulation:

- Will allow the Department to more promptly respond to applications for Plan Approval for minor source production improvements;
- Will allow industry to be more responsive to market changes; and
- Will ensure that the public continues to have an opportunity to comment on concerns related to a project.



Section 127.12b (relating to plan approval terms and conditions)

- This section is amended to extend the duration for temporary “shake-down” operation of new sources subject to the plan approval requirements from 120 to 180 days.
- This section was not modified between proposed and final-form rulemaking.



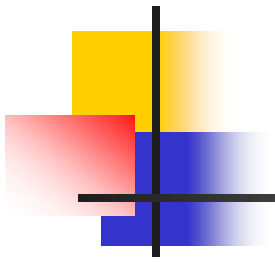
Section 127.12d (relating to completeness determination)

- This section was modified between proposed and final-form rulemaking to provide that the Department would make an administrative completeness determination within 30 days of receipt of the application.
- If the application is not complete, supplemental information will be requested by the Department.
- If the requested information is not provided within 10 working days of receipt of the request, the application and fees will be returned to the applicant.



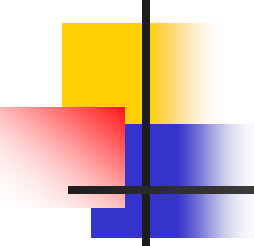
Section 127.44 (relating to public notice)

- This section was amended between proposed and final rulemaking to, among other things, require the Department to publish, in the *Pennsylvania Bulletin*, a notice of receipt and intent to issue plan approvals for the construction or modification of minor air contamination sources or the installation air cleaning devices.
- The notices must be consistent with the requirements of § 127.45 (relating to contents of notice).



Section 127.45 (relating to contents of notice)

- This section was amended between proposed and final-form rulemaking to include the information elements in the public notice of receipt and intent to issue that were originally under §127.44.
- In addition, other clarifying changes were made as well.



Section 127.48 (relating to conferences and hearings)

- This section was not modified between proposed and final-form rulemaking.
- The amendment requires, in certain instances, that the Department publish notice of hearings or conferences in a newspaper of general circulation and the *Pennsylvania Bulletin*.



Public Comment Period

- On March 24, 2007, the proposed permit streamlining regulation was published in the *Pennsylvania Bulletin*.
- On April 24, 2007, three public hearings were held on the proposed rulemaking in Harrisburg, Norristown, and Pittsburgh..
- On May 25, 2007, the public comment period closed.
- The Environmental Quality Board received comments from 14 commentators, which included industry, environmental groups, the Independent Regulatory Review Commission, and Senators Mary Jo White and Raphael Musto.



Summary of Public Comments

- Most commentators expressed support for the Department's efforts to streamline the air quality permitting process.
- Other commentators made specific regulatory language changes that the Department considered in developing the final rule.
- Some commentators opposed any changes incorrectly assuming that public participation was being curtailed under this final rule.



Advisory Committee Review

- The final regulation was reviewed by the CAC on July 17, 2007, and AQTAC on July 26, 2007.
- CAC and AQTAC concurred with the Department's efforts to improve permit streamlining and the Department's recommendation to present the regulation to the Environmental Quality Board for consideration for final rulemaking.



Thank You

Thomas K. Fidler

Deputy Secretary for Waste, Air and Radiation Management



Joyce E. Epps, Director
Bureau of Air Quality



Robert “Bo” Reiley
Office of Chief Counsel

Krishnan Ramamurthy, Chief
Division of Permits