

Executive Summary
Air Quality Permit Streamlining Final Rulemaking
(25 Pa. Code Chapter 127)

This final rulemaking amends existing requirements and adds provisions to 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements) to streamline and expedite the plan approval process. The final-form regulation also revises § 127.12b (relating to plan approval terms and conditions) by extending from 120 days to 180 days the duration of “limited” extensions for temporary operation of the source to permit compliance testing and “shake-down” operation of new or modified sources and air cleaning devices; adds a new § 127.12d (relating to completeness determination) that outlines steps that will be taken if an applicant submits an incomplete application to the Department; revises § 127.44 (relating to public notice) by providing for the publication of a joint “Notice of Receipt and Intent to Issue” in the *Pennsylvania Bulletin* for certain minor source plan approvals; and includes minor revisions to the contents of notice requirements specified under § 127.45 (relating to contents of notice). In addition, the final rulemaking includes minor revisions to § 127.48 (relating to conferences and hearings).

As part of an effort to streamline the air quality pre-construction permitting process, the Department evaluated options to expedite the processing of plan approval applications, reduce unnecessary costs to industry and continue to ensure that citizens receive adequate notice of all potential plan approval/permitting actions to enable timely comment on issues of public concern. The final-form regulation allows the Department to promptly respond to plan approval applications necessary for the construction or modification of air contamination sources and air cleaning devices needed for production improvements. The reduced plan approval processing time will allow industry to be more responsive to market changes and at the same time ensure that the public has an opportunity to comment on concerns related to a project.

A brief summary of the amendments to the plan approval requirements in Subchapter B is set forth below:

Section 127.12b (relating to plan approval terms and conditions) will increase the limited timeframe for extensions of the temporary operation to facilitate "shake-down" of sources and air cleaning devices from 120 days to 180 days.

Section 127.12d (relating to completeness determination) sets forth the criteria the Department will use to determine if a plan approval application is administratively complete. This section was modified between proposed and final-form rulemaking to specify that the Department will make completeness determinations within 30 days of receipt of the application. If the application is not administratively complete, the Department will request additional information required for the completeness determination. The supplemental information must be provided within 10 working days of receipt of the Department’s written request for information.

Section 127.44 (relating to public notice) was amended 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). In addition, the “contents of notice” requirements in the proposed rule were deleted from § 127.44 and inserted in § 127.45.

Section 127.45 (relating to contents of notice) of the final rulemaking includes clarifying amendments. In addition, the elements of the public notice for a combined notice of receipt and intent to issue that were originally proposed under § 127.44 are also revised.

Section 127.48 (relating to conferences and hearings) of the final-form regulation will require, in certain instances, that the Department publish notice of hearings or conferences in a newspaper of general circulation and the *Pennsylvania Bulletin*. However, this section of the regulation was not modified between proposed and final-form rulemaking.

The Air Quality Technical Advisory Committee (AQTAC) reviewed the final-form regulation on July 26, 2007, and concurred with the Department’s recommendation to present the final-form regulation to the EQB for consideration on October 16, 2007. If adopted by the Board, the previously mentioned amendments will be effective upon publication in the *Pennsylvania Bulletin* and will subsequently be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania’s State Implementation Plan.

The Board held three public hearings on the proposed rulemaking, with a 60-day public comment period.

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Waterfront A & B Conference Room
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April 24, 2007 Rachel Carson State Office Building
Room 105
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April 24, 2007 Southeast Regional Office
Delaware Room
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