# Regulatory Analysis Form

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INDEPENDENT REGULATORY REVIEW COMMISSION

IRRC Number: 2598

(1) Agency

Environmental Protection

(2) I.D. Number (Governor's Office Use)
7-408

(3) Short Title

Permit Streamlining

(4) PA Code Cite
25 *Pa. Code* Chapter 127

(5) Agency Contacts & Telephone Numbers

Primary Contact: Marjorie Hughes, 783-8727

Secondary Contact: Michele Tate, 772-4768

(6) Type of Rulemaking (Check One)

__X__Proposed Rulemaking
____Final Order Adopting Regulation
____Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

__X__ No
___ Yes: By the Attorney General
___ Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed rulemaking revises provisions of Chapter 127, Subchapter B, relating to plan approval requirements. The proposal adds provisions relating to completeness determinations for applications for plan approval, revises certain public notice and public comment provisions related to plan approval applications, and extends from 120 to 180 days the duration for temporary operation of the source to permit compliance testing and shakedown operation of new equipment subject to the plan approval requirements.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

This action is being taken under the authority of Section 5 of the Pennsylvania Air Pollution Control Act (APCA) (35 P.S § 4005.) Section 5(a)(1) of the APCA (35 P.S. § 4005(a)(1)) grants the Environmental Quality Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in the Commonwealth.

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The proposed regulation is not specifically mandated by law, court order or regulation.

The proposed regulation is part of the Department of Environmental Protection's efforts to streamline permitting processes.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The proposed revisions include provisions extending the term of temporary operations authorized under Section 127.12b from 120 days to 180 days; add criteria related to completeness determinations for plan approval applications in a new Section 127.12d; revise public notice requirements in Sections 127.44 and 127.45 to minimize delays in issuing minor source plan approvals, while assuring adequate opportunity for public input; and revise Section 127.48 relating to conferences and hearings.

The proposed change extending the term of temporary operations will reduce administrative costs for the Department and for source operators who might otherwise have to request an extension of temporary operations authorized under the Plan Approval to complete shakedown or testing of a new source.

These changes to the public notice provisions will result in expedited permitting for new and modified stationary air contamination sources, especially those with minimal potential for adverse environmental impact, while assuring the public has an opportunity to thoroughly review and comment on the proposals. This expedited permitting will enable manufacturers to respond more quickly to changing production demands and improve productivity and profitability.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

Because these proposed regulatory changes are administrative revisions to existing permitting regulations, there are no public health, safety, environmental or general welfare risks associated with non-regulation.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The proposed regulations will benefit applicants for plan approval by providing for expedited review and issuance of minor source permit actions where there is no public interest. At the same time the revisions will continue to assure that citizens receive adequate notice of all potential plan approval/permitting actions to enable timely comment on issues of concern to the public. The owners and operators of potentially affected sources and the Department will benefit from the extended term of temporary operations during the shakedown period. Both the public and private sector will experience reduced administrative costs associated with requests for extensions of the temporary operations authorized under the Plan Approval.

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)

The Department does not anticipate that there will be adverse effects related to these proposed revisions.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The proposed regulation will affect operators and owners of air contamination sources subject to the permitting requirements of 25 *Pa. Code* Chapter 127. There are approximately 700 major facility operator/owners and 1200 minor facility operator/owners.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Department has received numerous requests from industry to find ways to expedite the issuance of permits for minor sources. There have also been a number of discussions with members of the PA Chamber of Commerce and with the Department's Air Quality Technical Advisory Committee (AQTAC) regarding more timely actions on permits.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The primary cost savings to industry is the addition of potential additional production time on a new or modified permit that qualifies for the reduced public notice time. Savings can be very significant if the permitting time reductions translate into additional market share due to early roll-out of a product. There will also be reduced permitting fees paid for the reduction in the number of plan approval extensions due to the increased length of the plan approval extensions. This regulatory change could result in cost savings estimates ranging from several hundreds of dollars to tens of thousands of dollars.

An estimate of the specific savings is not practical at this time. The savings will vary from activity to activity depending on the value of the facility production and other variables.

## Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

The final regulations are expected to impose no additional direct costs on local governments.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting or consulting procedures which may be required.

To the extent that state government agencies are subject to the provisions of Chapter 127, cost savings would be commensurate with those the private sector will experience.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

| | Current FY Year | FY +1 Year | FY +2 Year | FY +3 Year | FY +4 Year | FY +5 Year |
|---|---|---|---|---|---|---|
| SAVINGS: | $ | $ | $ | $ | $ | $ |
| Regulated Community | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Local Government | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| State Government | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total Savings | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| COSTS: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Regulated Community | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Local Government | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| State Government | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total Costs | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| REVENUE LOSSES: | | | | | | |
| Regulated Community | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Local Government | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| State Government | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total Revenue Losses | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Because of the significant variability in production cost savings and product value, no estimation of the specific cost savings is practical.

## Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

| Program | FY-3 2003/2004 | FY-2 2004/2005 | FY-1 2005/2006 | Current FY 2006/2007 |
|---|---|---|---|---|
| Clean Air Fund - Major Emissions Facilities | $ 26,960,000 | $ 24,533,000 | $ 24,290,000 | $ 26,461,000 |
| | | | | |
| | | | | |
| | | | | |

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

There is no additional cost associated with these proposed revisions. Source operators and the Department should experience cost savings, but quantification of these costs is not practical. In addition, the cost of notices published by the applicant in newspapers of general circulation will decrease substantially because notice of each condition in the Plan Approval would no longer be required.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Because these regulatory changes are administrative in nature, non-regulatory options are not available.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Because these regulatory changes are administrative in nature, there are no other regulatory schemes available.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There are no provisions in the proposed rulemaking that are more stringent than federal requirements.

(25) How does the regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

These provisions should not put the Commonwealth at a "competitive disadvantage with other states." In fact, the provisions are designed to expedite permitting activities. This streamlining initiative should result in cost savings to both the regulated community and to the Department.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No. The regulation will not "affect existing or proposed regulations of the promulgating agency or other state agencies."

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

Three public hearings and a sixty-day public comment period will be scheduled for this proposed rulemaking.

| Regulatory Analysis Form |
| --- |
| (28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.<br><br>No. The regulation will not change existing reporting, record keeping, or other paperwork requirements. However, the cost of notices published by the applicant in newspapers of general circulation will decrease substantially because notice of each condition in the Plan Approval would no longer be required. |
| (29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.<br><br>Because these regulatory changes are administrative in nature, there are no special provisions. |
| (30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?<br><br>The regulation will be effective on the date of publication as final rulemaking in the *Pennsylvania Bulletin.*<br><br>No special permits or licenses are required. |
| (31) Provide the schedule for continual review of the regulation.<br><br>This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended. |

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# FACE SHEET
# FOR FILING DOCUMENTS
# WITH THE LEGISLATIVE REFERENCE BUREAU

**(Pursuant to Commonwealth Documents Law)**

2598

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REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

By: Darryl D. Elliott
(Deputy Attorney General)

MAR 02 2007
DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-408

DATE OF ADOPTION January 17, 2007

BY Kathleen A. McGinty

TITLE KATHLEEN A. MCGINTY
CHAIRPERSON

EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

Copy below is hereby approved as to form and legality
Executive or Independent Agencies

BY Andrew C. Clark

DATE OF APPROVAL FEB 8 2007
(Deputy General Counsel)
(~~Chief Counsel - Independent Agency~~)
(~~Strike inapplicable title~~)

☐ Check if applicable. No Attorney General Approval or objection within 30 days after submission.

## NOTICE OF PROPOSED RULEMAKING

## DEPARTMENT OF ENVIRONMENTAL PROTECTION
## ENVIRONMENTAL QUALITY BOARD

### Permit Streamlining

### 25 *Pa. Code,* Chapter 127

**Notice of Proposed Rulemaking**
**Department of Environmental Protection**
**Environmental Quality Board**
**Permit Streamlining**
**25 *Pa. Code* Chapter 127**

The Environmental Quality Board (Board) proposes to establish new and modified language under 25 *Pa. Code* Chapter 127, Subchapter B (related to plan approval requirements) as set forth in Annex A.

This notice is given under Board order at its meeting of January 17, 2007.

## A. Effective Date

These amendments will be final upon publication in the *Pennsylvania Bulletin* as final rulemaking.

## B. Contact Persons

For further information, contact John Slade, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, telephone: 717-783-9476 or Robert "Bo" Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, telephone: 717-787-7060.

Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). This proposal is available electronically through the DEP Web site (http://www.depweb.state.pa.us).

## C. Statutory Authority

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act ("APCA") (35 P.S. §4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction, and abatement of air pollution, and Section 6.1 of the APCA, which requires the Board by regulation to establish adequate, streamlined and reasonable procedures for expeditiously determining when applications are complete and for expeditious review of applications. (35 P.S. §4006.1(b.3).)

## D. Background and Summary

As part of an effort to streamline the air quality permitting process, the Department investigated ways to reduce the plan approval application time, 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 Department wants to employ faster response times for minor permitting actions for needed product improvements, which allows industry to be responsive to free market changes, while at the same time ensuring that those changes do not degrade existing air quality. In addition, the Department wanted to assure that any permit streamlining effort benefited the Department, as well, by allowing it to focus scarce administrative resources on evaluating major source permit applications that will likely have significant environmental impacts. As part of this effort, the Department proposes regulatory revisions to extend the authorization of a source to temporarily operate to facilitate shake-down and to revise the public notice provisions which address receipt of applications for plan approval and intent to issue certain plan approvals. In addition, the Department is proposing provisions related to completeness criteria for applications for plan approval. The Department believes that these proposed changes will continue to protect air quality, allow business to respond to market changes, and allow for adequate public participation.

The Department worked with the Air Quality Advisory Board (AQTAC) in the development of these regulations. At its March 13, 2006, meeting AQTAC recommended that the Board consider the proposed amendments in the near future.

## E. Summary of Regulatory Revisions

Section 127.12b (relating to plan approval terms and conditions), is proposed to be revised to extend from 120 to 180 days the duration for temporary "shake-down" operation of new equipment subject to the plan approval requirements.

New Section 127.12d (relating to completeness determination) is proposed to be added to set forth the criteria the Department will use to determine if an application for plan approval is complete.

Section 127.44 (related to public notice) is proposed to be revised to, among other things, require the Department to publish in the *Pennsylvania Bulletin* a notice of receipt and intent to issue certain minor plan approvals.

Section 127.45 (related to contents of notice) is proposed to be revised to make certain corrections to the text related to clarity.

Section 127.48 (related to conferences and hearings) is proposed to be revised to require, in certain instances, that the Department publish notice of hearings or conferences in a newspaper of general circulation and the *Pennsylvania Bulletin.*

## F. Benefits, Costs and Compliance

### Benefits

Overall, the citizens of this Commonwealth will benefit from these recommended changes because the Department will be able to focus scarce administrative resources on evaluating major source permit applications that will likely have significant environmental impacts. In addition, these changes will allow industry to be responsive to free market changes, while at the same time ensuring that those changes do not degrade existing air quality.

### Compliance Costs

These regulations will reduce the operating costs of industry through enhanced operational flexibility.

### Compliance Assistance

The Department plans to educate and assist the public and regulated community with understanding any newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing Regional Compliance Assistance Program.

### Paperwork Requirements

The proposed regulatory revisions will not increase the paperwork that is already generated during the normal course of business.

## G. Pollution Prevention

The Federal Pollution Prevention Act of 1990 established a national policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. DEP encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation will allow industry to be responsive to free market changes, while at the same time ensuring that those changes do not degrade existing air quality.

## H. Sunset Review

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

## I. Regulatory Review

Under Section 5(a) of the Regulatory Review Act, 71 P.S. § 745.5(a), on (blank), the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

## J. Public Comments

***Written Comments*** - Interested persons are invited to submit comments, suggestions, or objections regarding the proposed regulation to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be postmarked by May 25, 2007. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be postmarked May 25, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

***Electronic Comments*** - Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by May 25, 2007. A subject heading of the proposal and a return name and address must be included in each transmission.

## K. Public Hearings

The Environmental Quality Board will hold three public hearings for the purpose of accepting comments on this proposal. The hearings will be held as follows:

| | |
|---|---|
| April 24, 2007<br>1:00 p.m. | Department of Environmental Protection<br>Southwest Regional Office<br>Waterfront A&B Conference Room<br>400 Waterfront Drive<br>Pittsburgh, PA 15222. |
| April 24, 2007<br>1:00 p.m. | Department of Environmental Protection<br>Southeast Regional Office<br>Delaware Room<br>2 East Main Street<br>Norristown, PA 19401 |
| April 24, 2007<br>1:00 p.m. | Department of Environmental Protection<br>Rachel Carson State Office Building, Room 105<br>400 Market Street<br>Harrisburg, PA 17105 |

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to ten minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Environmental Quality Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

BY:

KATHLEEN A. McGINTY
Chairperson
Environmental Quality Board

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.**

* * * * *

(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.

* * * * *

**§ 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**, of 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.

* * * * *

§ 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.

Pennsylvania Department of Environmental Protection

**Rachel Carson State Office Building**
**P.O. Box 2063**
**Harrisburg, PA 17105-2063**

March 9, 2007

**Policy Office** 717-783-8727

Kim Kaufman, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown #2
333 Market Street
Harrisburg, PA 17120

Re: Air Quality Permit Streamlining (#7- 408)

Dear Mr. Kaufman:

Enclosed is a copy of a proposed regulation for review and comment by the Independent Regulatory Review Commission pursuant to Section 5(a) of the Regulatory Review Act. This proposal is scheduled for publication as a proposed rulemaking in the *Pennsylvania Bulletin* on March 24, 2007 with a 60-day public comment period and three Environmental Quality Board hearings. The Board adopted this proposal at its January 17, 2007 meeting.

These amendments to 25 Pa. Code, Chapter 127 are part of an effort to streamline the air quality permitting process in which the Department investigated ways to reduce the plan application response time and reduce unnecessary costs to industry. The Department will continue to ensure that citizens receive adequate notice of all potential plan approval or permitting actions to enable timely comment on issues of public concern. The proposed revisions are designed so the Department can more promptly respond to applications for plan approval for minor permitting actions for needed production improvements. Examples of minor permitting actions include small sources such as some boilers that do not qualify for exemption from plan approval, however the air emissions are controlled to well below a major source level.

The Department will provide assistance as necessary to facilitate the Commission's review of this proposed regulation under Section 5.1(e) of the Regulatory Review Act.

Please contact me if you would like additional information.

Sincerely,

Marjorie L. Hughes
Regulatory Coordinator
Policy Office

Enclosures

0120-FM-PY0011 8/2006

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF POLICY

# TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 7- 408

SUBJECT: PERMIT STREAMLINING

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

## TYPE OF REGULATION

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INDEPENDENT REGULATORY REVIEW COMMISSION

- [x] Proposed Regulation
- [ ] Final Regulation
- [ ] Final Regulation with Notice of Proposed Rulemaking Omitted
- [ ] 120-day Emergency Certification of the Attorney General
- [ ] 120-day Emergency Certification of the Governor
- [ ] Delivery of Tolled Regulation
  a. [ ] With Revisions b. [ ] Without Revisions

## FILING OF REGULATION

| DATE | SIGNATURE | DESIGNATION |
|---|---|---|
| 3/9/07 | D Newton | Majority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY |
| 3/9/07 | R Beasan | Minority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY |
| 3-9-07 | D. Costello | Majority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY |
| 3-9-07 | A. Rybarczyk | Minority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY |
| 3/9/07 | Kathy Cooper | INDEPENDENT REGULATORY REVIEW COMMISSION |
| | | ATTORNEY GENERAL (for Final Omitted only) |
| 3-9-07 | C Lee Brown | LEGISLATIVE REFERENCE BUREAU (for Proposed only) |

SIGN HERE