



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Air Quality



Permit Review Process and Permit Decision Guarantee -Bureau of Air Quality-

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Dial-in number for audio is: 1-877-668-4493
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Today's Speakers

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▶ Permit Decision Guarantee Program

- On July 24, 2012, Governor Corbett signed Executive Order 2012-11 entitled “Permit Decision Guarantee for the Department of Environmental Protection.”
- November 14, 2012 – Permit Review Process and Permit Decision Guarantee (PRP/PDG) policy became effective.

PDG Applications

AUTHORIZATION TYPE DESCRIPTION	APPLICATION CODE	BUSINESS DAYS
Major Facility Plan Approvals -- National Emission Standards (NESHAPs) for Hazardous Air Pollutants (40 CFR Part 61)	NEW	150
Major Facility Plan Approvals -- New Source Performance Standards	NEW	150
Major Facility Plan Approvals for State Regulations	NEW	150
Minor Facility Plan Approvals –NESHAPs for Hazardous Air Pollutants (40 CFR Part 61)	NEW	130
Minor Facility Plan Approvals -- New Source Performance Standards	NEW	130
Minor Facility Plan Approvals—NESHAPs for Hazardous Air Pollutants	NEW	130
Minor Facility Plan Approval State Regulation	NEW	130

PRP/PDG Standard Operating Procedures

PRP/PDG SOPs include the following Key Elements:

- Applicant Responsibility
- Department Responsibility
- Coordination of Permits
- Permit Review Hierarchy and Application Types
- Permit Review & Approval Procedures
- Treatment of Confidential Information
- Administrative Completeness Reviews
- Technical Review of Plan Approval
- Elevated Review Process
- Disposition of Plan Approval Applications

Applicant Responsibilities

The permit applicant is responsible for:

- Submitting an application that contains the information needed to make permitting decisions.
- Scheduling a pre-application meeting as soon as practicable to discuss the permitting needs for the proposed project.

Department Responsibilities

The Department is responsible for:

- Maintaining Open Lines of Communication
- Setting up Pre-Application Meetings if needed
- Maintaining Technical Guidance, Permit Forms and Fact Sheets
- Providing Frequent and Focused Training

Treatment of Confidential Information

- Confidential treatment of information submitted as part of a plan approval application.
- The applicant must make the request for confidentiality.
- The Department will review the confidentiality request and respond in writing prior to placing any information in question in the public file.

Coordination of Permits

- The Department will coordinate the review of applications for projects with multiple permits.
- The Department has developed the Permit Coordination Policy to ensure consistency with the PRP/PDG policy.

Administrative Completeness Review

- The Application Manager will determine if the Plan Approval Application is administratively complete.
- DEP will use Administrative Completeness Checklist (2700-FM-AQ0095) for the completeness determination.
- DEP will provide written notice of the completeness determination to the applicant within 30 days of receipt of an application.

Administrative Completeness Review

- A complete and technically-adequate Plan Approval Application should contain the necessary information, maps, fees and other documents, and terms in sufficient detail for technical review of the application.
- For purposes of the PRP/PDG policy, the Plan Approval Application is “technically adequate” if the applicant complies with the content of applications provisions in 25 *Pa. Code* § 127.12.

Administrative Completeness Review (cont)

- Minor deficiencies or omissions that can be easily corrected will be addressed through a telephone call or by email with the applicant and consultant.
- The expeditious correction of minor deficiencies may negate the need for an application to be returned as incomplete.

▶ Administrative Completeness Review (cont)

- If the application is not administratively complete, the regional office will send the applicant a written statement indicating the specific information (or items) that is required to make the application complete.
- If the applicant does not provide the requested information to the regional office within 10 business days of receipt of the request, the regional office will return the application and fees to the applicant in accordance with Pa. Code § 127.12 (d).

▶ Administrative Completeness Review (cont)

Once the application is determined to be administratively complete, the regional office will send the applicant an Acceptance Letter explaining the technical review process, and identifying any other permits, approvals, authorizations or notifications that might be required.

Permit Review Hierarchy

New Plan Approval Applications are assigned priority as follows:

1. Protection of public health, safety or the environment from imminent threats
2. Economic development projects
3. Applications included in the Permit Decision Guarantee
4. Applications that have been excluded from the Permit Decision Guarantee but are necessary for economic development projects that create jobs and enhance communities.
5. Applications that do not meet the above criteria will be completed on a “first-in, first-out basis.”

Technical Review Of Plan Approval

- Once the Plan Approval Application is deemed administratively complete and technically adequate, the Application Manager will begin a detailed technical review of the application.
- Technical reviews determine whether an application package contains the necessary scientific and engineering information and project design to address applicable statutory and regulatory requirements.

▶ Technical Review of Plan Approval

- During the technical review of the Plan Approval Application, the accuracy of the information is evaluated and a determination about whether additional information needed is made.
- The Application Manager will determine if all applicable statutory and regulatory requirements are adequately addressed in the application.
- When the technical review is complete, a decision will be made to either approve or deny the application.

Technical Review of Plan Approval

- The applicant will be notified in writing of technical deficiencies.
- The noted deficiencies will include citations for statutory or regulatory requirements that were not adequately addressed in the application.
- Technical deficiencies will void the PDG.
- The technical deficiency letter will
 - Offer an opportunity meet and discuss the deficiencies
 - Include a deadline for the submission of deficient information

Elevated Review Process

- Applications that are technically deficient, and for which the deficiencies have not been resolved satisfactorily within the established response timeframe, for any reason, will be subjected to the elevated review process.
- The Application Manager will develop an approach for the final review of the Plan Approval Application, which may include a face-to-face meeting or a conference call with the Applicant to discuss the deficiencies.

Elevated Review Process (cont)

- If the meeting or call results in a resolution, the Regional Director may provide the applicant with an additional 10 business days to respond. If resolution cannot be reached, the deficiencies must be elevated to the Bureau Director for review.
- Applications may be denied if technical deficiencies have not been adequately addressed after two technical reviews, and the applicant cannot adequately demonstrate that the application meets all applicable regulatory and statutory requirements.

Disposition of Plan Approval

- If a Plan Approval Application is recommended for approval, the Application Manager will prepare a draft Plan Approval.
- The draft Plan Approval must address the applicable Plan Approval Provisions in 25 Pa. Code Chapter 127, Subchapter B.
- The draft plan approval will, at a minimum, contain emission and performance standards , source testing, monitoring, recordkeeping and reporting requirements.

Disposition of Plan Approval (cont)

- The draft Plan Approval will also authorize temporary operation to facilitate shakedown of sources and air cleaning devices, to permit operations pending issuance of a permit 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 180 days.

Public Notices

- The Department will publish in the *Pa Bulletin* a notice and intent to issue for each plan approval applications except for plan approval applications subject to § 127.44(b).
- For plan approval applications subject to § 127.44(b),
 - the applicant must publish the notice of action to be taken 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 of the notice must be submitted to the Application Manager within 1 week thereafter.
- A 30-day comment period will be provided for the submission of comments.
- The PDG will be **voided** if these regulatory timeframes are not met by the applicant.

Issuance of Plan Approvals

- The Application Manager will prepare a comments and response document.
- The Application Manager will ensure that the final plan approval and all relevant information are maintained in the appropriate file.
- These documents are available for public review as appropriate.

Possible Processing Delays

- Resolution of outstanding violations or compliance actions.
- Required approvals/coordination with other state, federal or municipal agencies.
- Complex modeling, risk assessments.
- Need for additional public input/comment.
- Applications affected by a judicial action.

Eliminating the Queue

- “The Queue” contains pending permit applications received before July 24th.
- “On the clock” under MBG
- “Off the clock” under MBG
- No more than 2 deficiency letters will be sent.
- Central Office is tracking progress
- Goal to “eliminate the queue” by July 31, 2013

Website Information



For more information, visit
www.dep.state.pa.us

Click on the Permit Decision Guarantee button.



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Questions?

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