

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART 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 WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION.

(b) For purposes of this section, an application is administratively complete if it contains the necessary information, maps, fees and other documents REQUESTED IN THE PLAN APPROVAL APPLICATION, 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~~] SEND the applicant [~~along with~~] a written statement of the specific information, maps, fees and documents that are required to make the application administratively complete. IF THE APPLICANT DOES NOT PROVIDE THE REQUESTED INFORMATION TO THE

DEPARTMENT WITHIN 10 WORKING DAYS OF RECEIPT OF THE REQUEST, THE DEPARTMENT WILL RETURN THE APPLICATION AND FEES TO THE APPLICANT.

§ 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). **THE DEPARTMENT WILL PREPARE A NOTICE OF RECEIPT AND INTENT TO ISSUE IN ACCORDANCE WITH THE REQUIREMENTS OF § 127.45(a) (RELATING TO CONTENTS OF NOTICE).** ~~[The notice of receipt and intent to issue must 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 will be reviewed.~~

(b) The Department will prepare a notice, **IN ACCORDANCE WITH THE REQUIREMENTS OF § 127.45(b),** of action to be taken on applications for plan approvals for the following:

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

(6) 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 **BY THE DEPARTMENT** 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 § 127.13c (relating to notice of basis for certain plan approval decisions).

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

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

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(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.

(a) THE NOTICE OF RECEIPT AND INTENT TO ISSUE FOR EACH PLAN APPROVAL REQUIRED BY § 127.44(a) (RELATING TO PUBLIC NOTICE) SHALL INCLUDE THE FOLLOWING:

(1) THE NAME AND ADDRESS OF THE APPLICANT.

(2) THE LOCATION AND NAME OF THE SOURCE OR FACILITY AT WHICH THE CONSTRUCTION, MODIFICATION, REACTIVATION OR INSTALLATION IS PROPOSED.

(3) A BRIEF DESCRIPTION OF THE PROPOSED ACTION, INCLUDING A BRIEF DESCRIPTION OF THE:

(i) AIR CONTAMINATION SOURCE TO BE CONSTRUCTED, MODIFIED, REACTIVATED OR INSTALLED.

(ii) AIR CLEANING DEVICE OR CONTROL TECHNOLOGY REQUIRED INCLUDING BEST AVAILABLE TECHNOLOGY.

(iii) TYPE OF CONDITIONS BEING PLACED IN THE PLAN APPROVAL WITH REFERENCE TO APPLICABLE STATE AND FEDERAL REQUIREMENTS.

(4) THE TYPE AND QUANTITY OF AIR CONTAMINANTS BEING EMITTED.

(5) THE NAME AND TELEPHONE NUMBER OF A PERSON TO CONTACT AT THE DEPARTMENT FOR ADDITIONAL INFORMATION.

(6) A STATEMENT THAT A PERSON MAY OPPOSE THE PROPOSED PLAN APPROVAL BY FILING A WRITTEN PROTEST WITH THE DEPARTMENT, AT THE APPROPRIATE REGIONAL OFFICE DESCRIBED IN § 121.4 (RELATING TO REGIONAL ORGANIZATION OF THE DEPARTMENT).

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

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(2) The location and name of the **[plant] SOURCE** or facility at which construction **[or]**, modification, **REACTIVATION** or **installation** is **[taking place] proposed**.

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(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] SOURCE** or facility.

(5) **[The] A brief description of 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.

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(7) The name and telephone number of a person to contact **AT THE DEPARTMENT** for additional information.

(8) A statement that a person may oppose the proposed plan approval by filing a written protest with the Department, at the appropriate regional office described in § 121.4 ~~[(relating to regional organization of the Department)]~~.

§ 127.48. Conferences and hearings.

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(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 **[or] of general circulation in the county in which the source is to be located and** the *Pennsylvania Bulletin*, except **[where] when** the Department determines that notification by telephone will be sufficient.