

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;">(All Comments submitted on this regulation will appear on IRRC's website)</p>	<p style="margin: 0;"><i>INDEPENDENT REGULATORY REVIEW COMMISSION</i></p>
<p style="margin: 0;">(1) Agency Environmental Protection</p>	
<p style="margin: 0;">(2) Agency Number: 7 Identification Number: 549</p>	<p style="margin: 0;">IRRC Number:</p>
<p style="margin: 0;">(3) PA Code Cite: 25 Pa. Code § 127.621(b)</p>	
<p style="margin: 0;">(4) Short Title: Electronic Submission of Air Quality General Plan Approval and General Operating Permit Applications</p>	
<p style="margin: 0;">(5) Agency Contacts (List Telephone Number and Email Address):</p> <p style="margin: 0;">Primary Contact: Laura Edinger, 783-8727, ledinger@pa.gov Secondary Contact: Jessica Shirley, 783-8727, jesshirley@pa.gov</p>	
<p style="margin: 0;">(6) Type of Rulemaking (check applicable box):</p> <p style="margin: 0;"><input type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input checked="" type="checkbox"/> Final Omitted Regulation</p>	<p style="margin: 0;"><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p style="margin: 0;">(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p style="margin: 0;">This final-omitted rulemaking adds to 25 Pa. Code § 127.621(b) (relating to application for use of general plan approvals and general operating permits) the option of electronic means for the delivery of applications to the Department of Environmental Protection (the Department) for the use of applicable air quality general plan approvals (GPA) and general operating permits (GP). Currently, § 127.621(b) specifies that the application for the use of an air quality GPA or GP shall be either hand delivered or transmitted by certified mail return receipt requested to the Department. Adding an electronic means of submission will provide flexibility to the regulated community and enhance Department efficiency through the timely processing and potential approval of these air quality GPAs and GPs.</p>	
<p style="margin: 0;">(8) State the statutory authority for the regulation. Include specific statutory citation.</p> <p style="margin: 0;">Section 204(3) of the CDL provides that an agency may omit the notice of proposed rulemaking if “the agency for good cause finds... that the public notice and comment procedures specified in sections 201 and 202 are in the circumstances impracticable, unnecessary, or contrary to the public interest.”</p> <p style="margin: 0;">Public notice and solicitation of public comments are unnecessary and contrary to the public interest for the amendment included in this final-omitted rulemaking. A public comment period is unnecessary because, the final-omitted rulemaking does not diminish or replace any existing rights under § 127.621(b) related to how an application is required to be submitted; rather, it provides applicants the option of submitting an application for the use of an applicable GPA or GP through electronic means. This additional means of submission is a beneficial expansion of an existing regulatory requirement and</p>	

is supported by the regulated community as providing for a more efficient and effective means of submitting GPA and GP applications. The amendment in this final-omitted rulemaking is solely procedural in nature and does not change any regulatory requirements related to the Department's technical review of these applications or change any other regulatory requirements related to the Department's activities for GPA or GP applications. Therefore, a public comment period is unnecessary.

A public comment period is also contrary to the public interest because it will delay the implementation of the purely beneficial amendment in this final-omitted rulemaking, which authorizes the electronic submission of GPA and GP application to the Department. Providing for electronic submission enables the effective and efficient use of Commonwealth resources. The Department will likely realize savings in costs related to review and issuance of permit applications, as well as postage savings through the reduced use of paper documents. This amendment is also supported by the regulated community because it will result in the expedited review of air quality GPA and GP applications, and result in savings associated with postage costs and hand delivery. This change does not impact the rights of third parties related to a decision on a GPA or GP application. Further, this amendment does not adversely impact the Department's ability to perform its mission of protecting the environment and public health and welfare. Therefore, a public comment period is not in the public interest.

As a result, the use of the final-omitted rulemaking process to amend § 127.621(b) to include electronic means as an option for submitting applications for the use of an applicable air quality GPA or GP is for good cause.

The development and use of a general permit program to regulate air contamination sources is authorized under section 504(d) of the Clean Air Act (CAA) (42 U.S.C.A. § 7661c(d)), and under section 6.1(f) of the Air Pollution Control Act, (APCA) (35 P.S. § 4006.1(f)). This final-omitted rulemaking is also authorized under section 5(a)(1) of the APCA (35 P.S. § 4005(a)(1)), which grants the Environmental Quality Board (Board) the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth; and section 5(a)(8) of the APCA (35 P.S. § 4005(a)(8)), which grants the Board the authority to adopt rules and regulations designed to implement the provisions of the CAA.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as any deadlines for action.

No. This final-omitted rulemaking, which adds the option of electronic submission for the delivery of applications for the use of air quality GPAs and GPs, is not statutorily mandated. However, section 504(d) of the CAA (42 U.S.C.A. § 7661c(d)), and section 6.1(f) of the APCA (35 P.S. § 4006.1(f)), authorize the use of a general permit program to regulate air contamination sources.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation that governs the process of applying for the use of an applicable air quality GPA and GP specifies that the application shall be either hand delivered or transmitted by certified mail return receipt requested to the Department. See § 127.621(b). The Department is amending § 127.621(b) to include the

use of electronic means as an additional way of delivering an application for the use of an air quality GPA or GP to the Department.

The final-omitted rulemaking does not diminish or replace any existing rights under the regulation related to how an application is required to be delivered, but provides applicants the option of submitting an air quality GPA or GP application through electronic means. This additional means of delivery is a beneficial expansion of an existing regulatory requirement. Further, the amendment does not adversely affect the Department's ability to perform its mission of protecting the environment and public health and welfare. Adding the option of electronic means of delivery is in the public interest because it enables the effective and efficient use of Commonwealth resources. The regulated industry is supportive of this change because it will likely result in the expedited review of GPA and GP applications. This amendment also does not diminish the rights of third parties in any manner.

An owner or operator of a regulated air contamination source or process for which an air quality GPA or GP is available will benefit from this amendment to § 127.621(b) through the opportunity to submit applications for the use of applicable air quality GPAs and GPs by electronic means rather than being limited to hand delivering the application or mailing the application by certified mail with a return receipt requested.

Currently, the Department has developed and issued 19 separate air quality GPAs and GPs that regulate air contamination sources and processes in several industrial categories. The owner or operator of a stationary source proposing to use an applicable GPA or GP is required to notify the Department on a form provided by the Department and receive prior written approval from the Department prior to operating under the applicable GPA or GP. Within the past 5 years, the Department has received and approved 1,922 first-time applications for the use of an applicable air quality GPA or GP and 204 applications for the renewal of the use of a previously approved applicable air quality GPA or GP for a total of 2,126 Department-approved uses of applicable air quality GPAs and GPs. The Department also expects a surge of new applications for the use of a GP for the recently revised GP-5 for compression stations, processing plants, and transmission stations and for the new GP-5a for unconventional natural gas well site operations and remote pigging stations. Adding the option for electronic means of delivery is expected to greatly enhance Department efficiency by enabling faster review of these permit applications. Faster review and decision-making related to applications for the use of applicable air quality GPAs and GPs will benefit the regulated industry by facilitating timely implementation of the permitted activities.

(11) 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 regulations.

No.

Section 504(d) of the CAA (42 U.S.C.A. § 7661c(d)) authorizes the use of a general permit program to regulate air contamination sources as long as any general permit complies with all requirements applicable to permits under sections 501—507 of the CAA (42 U.S.C.A. §§ 7661—7661f). The Department's air quality GPA and GP program was established in 25 Pa. Code Chapter 127, Subchapter H (relating to general plan approvals and operating permits) in 1994 at 24 Pa.B. 5899 (November 26, 1994). Chapter 127, Subchapter H was approved into the Commonwealth's State Implementation Plan, effective August 29, 1996. See 61 FR 39594 (July 30, 1996).

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This final-omitted rulemaking amendment will not adversely affect Pennsylvania's ability to compete with other states. This final omitted rulemaking simply adds the option to submit applications for the use of air quality GPAs and GPs by electronic means in addition to hand delivery or certified mail with return receipt requested. This amendment may improve Pennsylvania's ability to attract businesses by making the Pennsylvania GPA and GP application process faster and easier. States that allow for the electronic submission of air quality permit applications include – Arizona, Arkansas, Florida, Georgia, Hawaii, Massachusetts, Minnesota, New Hampshire, New Jersey, Ohio, Oklahoma, Texas, West Virginia, and Wyoming.

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

No other regulations promulgated by this agency or other state agencies are affected.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

This final-omitted rulemaking was discussed with, and received the support of, the Air Quality Technical Advisory Committee (AQTAC) on June 14, 2018, the Small Business Compliance Advisory Committee (SBCAC) on July 25, 2018 and the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee on June 15, 2018. The CAC Policy and Regulatory Oversight Committee briefed the members of the CAC on June 19, 2018. The CAC provided the Board with a letter of concurrence supporting the final-omitted amendment, but included a comment suggesting that the Board consider revising the regulatory language to include the option for the use of 'reputable express service providers.' See June 19, 2018, letter from Donald S. Welsh, Chair, CAC, to Patrick McDonnell, Secretary, DEP and Chairperson of the Board. The Department appreciates the comment and will take it under advisement for consideration for future rulemakings.

The AQTAC, SBCAC, and CAC meetings are advertised and open to the public.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

A GPA is a pre-approved plan approval and a GP is a pre-approved operating permit which applies to a specific class of sources or processes that can be built and operated using standardized specifications and conditions. This final-omitted rulemaking applies to any owner or operator of a regulated air contamination source or process for which an air quality GPA or GP is available under Chapter 127, Subchapter H, that meets the conditions for applying for the GPA or GP. Currently, the Department has developed and issued 19 separate air quality GPAs and GPs that regulate various types of air contamination sources and processes in several industrial categories, including small boilers, burn off ovens, lithographic printing presses, mineral processing, storage tanks for volatile organic liquids, powder metal sintering furnaces, natural gas production, pharmaceutical and specialty chemical production, and petroleum dry cleaning. The complete list of sources and processes for which air quality GPAs and GPs are available is posted on

the Department's web site at

<http://www.dep.pa.gov/Business/Air/BAQ/Permits/Pages/GeneralPermits.aspx>.

The owner or operator of a regulated source proposing to use an applicable air quality GPA or GP is required to notify the Department on a form provided by the Department and receive prior written approval from the Department prior to operating under the applicable GPA or GP. Within the past 5 years, the Department has received and approved 1,922 first-time applications for the use of an applicable air quality GPA or GP and 204 applications for the renewal of the use of a previously approved use of an applicable air quality GPA or GP for a total of 2,126 Department-approved uses of applicable GPAs and GPs. Air quality GP-5 for compression stations, processing plants, and transmission stations is probably the most used by industry out of the 19 available air quality GPAs and GPs. Of the total 2,126 air quality GPAs and GPs approved by the Department for use by the applicant over the past 5 years, there have been 408 first-time applications to use GP-5 and 66 applications for the renewal of the use of GP-5. The Department expects a surge of new applications for the use of a GP for the recently revised GP-5 for compression stations, processing plants, and transmission stations and the new GP-5a for unconventional natural gas well site operations and remote pigging stations.

This final-omitted rulemaking amendment is expected to be noncontroversial and cost-neutral to the regulated industry. The regulated industry will benefit from this amendment to § 127.621(b) through the opportunity to submit applications for air quality GPAs and GPs by electronic means rather than being limited to hand delivering the application or mailing the application by certified mail with a return receipt requested.

Adding the option for electronic submission is expected to greatly enhance Department efficiency by enabling faster review of these permit applications. Faster review and decision-making related to applications for new and renewed air quality GPAs and GPs will benefit the regulated industry by facilitating timely implementation of the permitted activities.

A GPA is a pre-approved plan approval and a GP is a pre-approved operating permit which applies to a specific class of sources or processes that can be built and operated using standardized specifications and conditions. If a source or process can be regulated using an air quality GPA or GP, then any person or business is eligible to apply for and use the applicable GPA or GP. As a result, this final-omitted rulemaking could impact any business (irrespective of size) in Pennsylvania. However, this final-omitted rulemaking is noncontroversial and cost-neutral and all persons, businesses, and small businesses eligible to apply for and use an air quality GPA or GP will benefit from the addition of the option to electronically submit applications for air quality GPAs and GPs.

Further, no new legal, accounting, recordkeeping and reporting, or consulting procedures will be required.

(16) List the persons, groups or entities, including small businesses, which will be required to comply with the regulation. Approximate the number that will be required to comply.

Currently, the Department has developed and issued 19 separate air quality GPAs and GPs that regulate various types of air contamination sources and processes in several industrial categories, including small boilers, burn off ovens, lithographic printing presses, mineral processing, storage tanks for volatile organic liquids, powder metal sintering furnaces, natural gas production, pharmaceutical and specialty chemical production, and petroleum dry cleaning.

Within the past 5 years, the Department has received and approved 1,922 first-time applications for the use of an applicable air quality GPA or GP and 204 applications for the renewal of the use of a previously approved use of an applicable air quality GPA or GP for a total of 2,126 Department-approved uses of applicable air quality GPAs and GPs. If a source or process can be regulated using an air quality GPA or GP, then any person or business (irrespective of size) is eligible to apply for and use the applicable GPA or GP. As a result, this final-omitted rulemaking could impact any business in Pennsylvania.

Affected persons will have the option to submit electronic applications for first-time use of an applicable air quality GPA or GP and for renewed use of previously approved air quality GPAs and GPs in addition to the existing regulatory options of hand delivering the application or mailing the application by certified mail with a return receipt requested. The addition of the option to submit applications by electronic means is a beneficial expansion of an existing regulatory requirement.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

This final-omitted rulemaking amendment is expected to be noncontroversial and cost-neutral to the regulated industry. The regulated industry will benefit from this amendment to § 127.621(b) through the opportunity to submit applications for the use of applicable air quality GPAs and GPs by electronic means rather than being limited to hand delivering the application or mailing the application by certified mail with a return receipt requested. Additionally, the regulated community requested that electronic submission of air quality GPA and GP applications become an available option.

Adding the option for electronic submission is expected to greatly enhance Department efficiency by enabling faster review and decisions related to these applications for the use of an applicable air quality GPA or GP. Faster review and potential issuance of new and renewed air quality GPAs and GPs will benefit the regulated industry by facilitating timely implementation of the permitted activities.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Adding the option for electronic submission is expected to greatly enhance Department efficiency by enabling faster review and decisions related to these applications for the use of an applicable air quality GPA or GP. Faster review and potential approval of these applications will benefit the regulated industry by facilitating timely implementation of the permitted activities. The Department does not anticipate any costs or adverse effects associated with this final-omitted rulemaking. The addition of the option to submit applications by electronic means is a beneficial expansion of an existing regulatory requirement.

(19) 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. Explain how the dollar estimates were derived.

This final-omitted rulemaking amendment is expected to be cost-neutral or produce savings to affected entities. Submission of applications by electronic means is expected to be less costly than using the hand delivery or certified mail with return receipt requested options. An entity that already has a computer system for business purposes will be able to use the computer system to access and complete the application for the use of an applicable air quality GPA or GP online. The time and resources spent to fill out the application will be the same whether it is completed online electronically or a paper copy is

completed. The savings will accrue from the difference in cost to submit the completed application online versus hand delivering a paper copy to a regional DEP office or mailing a paper copy by certified mail with return receipt requested, multiplied by how many applications an entity submits in a year.

Regulated entities that operate air contamination sources permitted under air quality GPAs and GPs that choose to submit their applications for the use of an applicable air quality GPA or GP by electronic means may experience savings in postage, fuel, and staff time spent on hand delivering paper applications to Department offices or mailing the paper applications by certified mail with a return receipt requested. A specific estimate of savings to regulated entities depends on how many applications an entity submits via hand delivery or certified mail with return receipt requested. Once the option for a Department-authorized electronic means of submission is available, an applicant will have a choice of three methods for delivery of an application.

New legal, accounting, recordkeeping and reporting, or consulting procedures will not be required.

(20) 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. Explain how the dollar estimates were derived.

This final-omitted rulemaking amendment is expected to be cost-neutral or produce savings to affected entities. Submission of applications by electronic means is expected to be less costly than using the hand delivery or certified mail with return receipt requested options. An entity that already has a computer system for business purposes will be able to use the computer system to access and complete the application for the use of an applicable air quality GPA or GP online. The time and resources spent to fill out the application will be the same whether it is completed online electronically or a paper copy is completed. The savings will accrue from the difference in cost to submit the completed application online versus hand delivering a paper copy to a regional DEP office or mailing a paper copy by certified mail with return receipt requested, multiplied by how many applications an entity submits in a year. Local governments that operate air contamination sources permitted under air quality GPAs and GPs that choose to submit their applications for the use of an applicable air quality GPA or GP by electronic means may experience savings in postage, fuel, and staff time spent on hand delivering paper applications to Department offices or mailing the paper applications by certified mail with a return receipt requested. A specific estimate of savings to local governments is not feasible, since the costs depend on how many applications an entity submits via hand delivery or certified mail with return receipt requested. Once the option for a Department-authorized electronic means of submission is available, a local government applicant will have a choice of three methods for delivery of an application.

New legal, accounting, recordkeeping and reporting, or consulting procedures will not be required.

(21) 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. Explain how the dollar estimates were derived.

Adding the option for electronic submission of applications for the use of applicable air quality GPAs and GPs is expected to greatly enhance Department efficiency by enabling faster review and decisions related to these permit applications. The Department will also likely realize savings in staff and resource costs related to review and approval of these applications, as well as postage savings from not mailing the approval notice to the applicant. A specific estimate of savings to state government is not feasible, since

that would be based on how many applications an entity submits via hand delivery or certified mail with return receipt requested. Once the option for a Department-authorized electronic means of submission is available, an applicant will have a choice of three methods for delivery of an application. However, it is presumed that industry will avail itself of the electronic submission method more frequently than the other options, because industry has been supportive of this final-omitted rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

No additional legal, accounting, recordkeeping and reporting, or consulting procedures are required for the groups identified in the responses to Questions #19-21 above.

(22a) Are forms required for implementation of the regulation?

No new forms are required to implement the regulation. Paper forms currently exist that are used to apply for the use of applicable air quality GPAs and GPs. These forms will be made available electronically in addition to paper format.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

Not applicable, because no new forms are required.

(23) In the table below, provide an estimate of the fiscal savings and costs 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 18/19	FY+1 Year 19/20	FY+2 Year 20/21	FY+3 Year 21/22	FY+4 Year 22/23	FY+5 Year 23/24
SAVINGS:	\$	\$	\$	\$	\$	\$
The Department anticipates that affected entities will accrue savings, but a specific estimate is not available, since that would be based on how many applications an entity submits via hand delivery or certified mail with return receipt requested. Once the option for a Department-authorized electronic means of submission is available, an applicant will have a choice of three methods for delivery of an application. However, it is presumed that industry will avail itself of the electronic submission method more frequently than the other options, because industry has been supportive of this final-omitted rulemaking.						
Regulated Community						
Local Government						
State Government						

Public Consumers						
Total Savings						
COSTS:	\$	\$	\$	\$	\$	\$
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
Public Consumers	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

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY-3 (15/16)	FY-2 (16/17)	FY-1 (17/18)	Current FY (18/19)
Environmental Program Management (161-10382)	\$28,277,000	\$26,885,000	\$29,413,000	\$30,932,000
Clean Air Fund Major Emission Facilities (215-20077)	\$17,373,000	\$16,931,000	\$16,358,000	\$17,878,000
Clean Air Fund Mobile and Area Facilities (233-20084)	\$10,142,000	\$8,228,000	\$8,078,000	\$9,369,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

This final-omitted rulemaking is not expected to have an adverse impact on small businesses. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement and is expected to be cost-neutral.

(b) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

There are no projected reporting, recordkeeping, or other administrative costs required for compliance with this final-omitted rulemaking. The type of professional skills necessary for preparation and submission of the electronic application are the same as businesses currently exercise.

(c) A statement of probable effect on impacted small businesses.

Implementation of this final-omitted rulemaking amendment should have no adverse economic impact on the owners and operators of affected small business-sized air contamination sources and processes. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement and is expected to be cost neutral.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There are no less intrusive or less costly alternative methods available. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement. Moreover, the regulated industry is supportive of this change, because it will likely result in the expedited review and approval of these applications.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

Minorities, the elderly, small businesses, and farmers who are not owners or operators of a regulated air contamination source or process for which an air quality GPA or GP may be issued will not be adversely affected by this final-omitted rulemaking. For those that might be owners or operators that would apply for the use of an applicable air quality GPA or GP to operate a regulated air contamination source or process, no special provisions are necessary. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement and is expected to be cost-neutral.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

(a) The establishment of less stringent compliance or reporting requirements for small businesses.

No adverse impact on small businesses is expected from this final-omitted rulemaking. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement and is expected to be cost-neutral.

(b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

Less stringent schedules or deadlines are not needed. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement. Implementing this amendment as quickly as possible will provide flexibility to the regulated community and enhance Department efficiency through the timely processing and potential approval of these applications for the use of air quality GPAs and GPs.

(c) The consolidation or simplification of compliance or reporting requirements for small businesses.

No consolidation or simplification of compliance or reporting requirements for small business is necessary. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement. Affected small business owners and operators will have the option to submit an application by electronic means rather than being limited to delivery of the application to the Department by hand delivery or mailing by certified mail with return receipt requested.

(d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation.

The establishment of performance standards for small businesses is not necessary. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement. This final-omitted rulemaking amendment to § 127.621(b), if promulgated, will provide flexibility in submitting applications for the use of applicable air quality GPAs and GPs by adding the option to submit the application through electronic means.

(e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

An exemption of small business owners and operators is not necessary. The addition of the option to submit applications for the use of applicable air quality GPAs and GPs by electronic means is a beneficial expansion of an existing regulatory requirement for the owners and operators of regulated air contamination sources that may qualify to apply for and use an air quality GPA or GP.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not the basis for this regulation.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: NA
- B. The dates on which public meetings or hearings were held: NA
- C. The expected date of delivery of the final-omitted regulation: 3rd Quarter 2018
- D. The expected effective date of the final-omitted regulation: Upon publication in the Pennsylvania Bulletin as a final-omitted rulemaking.
- E. The date by which compliance with the final-omitted regulation will be required: NA
- F. The date by which required permits, licenses or other approvals must be obtained: NA

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board is not establishing a sunset date for this final-omitted regulation, since it is needed for the Department to carry out its statutory authority. The Department will closely monitor this final-omitted rulemaking after promulgation for its effectiveness and recommend updates to the Board as necessary.