

Chapter 127 -- Construction, Modification, Reactivation, and Operation of Sources

Subchapter B. Plan Approval Requirements

§127.11. Plan approval requirements.

Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), a person may not cause or permit the construction or modification of an air contamination source, the reactivation of an air contamination source after the source has been out of operation or production for 1 year or more, or the installation of an air cleaning device on an air contamination source, unless the construction, modification, reactivation or installation has been approved by the Department.

§127.11a. Reactivation of sources.

(a) Except as provided by § 127.215 (relating to reactivation), a source which has been out of operation or production for at least 1 year but less than or equal to 5 years may be reactivated and will not be considered a new source if the following conditions are satisfied:

(1) The owner or operator shall, within 1 year of the deactivation submit to the Department and implement a maintenance plan which includes the measures to be taken, including maintenance, upkeep, repair or rehabilitation procedures, which will enable the source to be reactivated in accordance with the terms of the permit issued to the source.

(2) The owner or operator shall submit a reactivation plan to the Department for approval at least 60 days prior to the proposed date of reactivation. The reactivation plan shall include sufficient measures to ensure that the source will be reactivated in compliance with the permit requirements. The permittee may submit a reactivation plan to the Department at any time during the term of its operating permit. The reactivation plan may also be submitted to and reviewed by the Department as part of the plan approval or permit application or renewal process.

(3) The owner or operator of the source shall submit a notice to the Department within 1 year of deactivation requesting preservation of emissions in the inventory and indicating the intent to reactivate the source.

(4) The owner or operator of the source shall comply with the terms and conditions of the maintenance plan while the source is deactivated, and shall comply with the terms of the reactivation plan and operating permit upon reactivation.

(5) The owner or operator of the source with an approved reactivation plan and operating permit shall notify the Department in writing at least 30 days prior to reactivation of the source.

(b) A source which has been out of operation or production for more than 5 years but less than 10 years may be reactivated and will not be considered a new source if the following conditions are satisfied:

(1) The owner or operator of the source complies with the requirements of subsection (a).

(2) The owner or operator of the source obtains a plan approval and operating permit which requires that the emission of air contaminants from the source will be controlled to the maximum extent, consistent with the best available technology as determined by the Department as of the date of reactivation.

(c) A source which has been out of operation for 10 or more years shall meet the requirements of this chapter applicable to a new source.

(d) Other provisions of this section to the contrary notwithstanding, a source that is out of production or operation on November 26, 1994, shall have 1 year to demonstrate compliance with the requirements of subsection (a)(1), (3) and (4).

(e) A source located in a nonattainment area that would emit an air contaminant related to the nonattainment designation or a source that would emit NO₉x or VOC emissions may not be reactivated unless the proposed emissions are included in the SIP emission inventory or until the proposed emissions of these contaminants from the source are submitted to and approved by the EPA as an amendment of the SIP. The Department may refuse to allow reactivation of such a source for cause.

(f) The source shall have an operating permit prior to reactivation.

§127.12. Content of applications.

(a) An application for approval shall:

(1) Identify the location of the source and the name, title, address and telephone number of the individual responsible for the operation of the source.

(2) Contain information that is requested by the Department and is necessary to perform a thorough evaluation of the air contamination aspects of the source.

(3) Show that the source will be equipped with reasonable and adequate facilities to monitor and record the emissions of air contaminants and operating conditions which may affect the emissions of air contaminants and that the records are being and will continue to be maintained and that the records will be submitted to the Department at specified intervals or upon request.

(4) Show that the source will comply with applicable requirements of this article and requirements promulgated by the Administrator of the EPA under the Clean Air Act (42 U.S.C.A. §§ 7401--7706).

(5) Show that the emissions from a new source will be the minimum attainable through the use of the best available technology.

(6) Show that the source will not prevent or adversely affect the attainment or maintenance of ambient air quality standards when requested by the Department.

(7) Contain a plan of action for the reduction of emissions during each level specified in Chapter 137 (relating to air pollution episodes), when required by the Department.

(8) Show that the provisions of § 127.43a (relating to municipal notification) have been met. The applicant shall submit a copy of the notification letter and proof that the notice was received.

(9) Contain a plan for dealing with air pollution emergencies, when requested by the Department, or when required by the Clean Air Act.

(10) Show that the source and the air cleaning devices are capable of being and will be operated and maintained in accordance with good air pollution control practices.

(11) Contain a completed compliance review form or reference the most recently submitted compliance review form for facilities submitting a compliance review form on a periodic basis.

(b) The Department will not approve an application which fails to meet the requirements of subsection (a). An approval may be granted with appropriate conditions.

(c) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in subsection (d).

(d) Upon cause shown by any person that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the Clean Air Act (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act.

§127.12a. Compliance review.

(a) This section describes the compliance review procedures applicable during the review of an application for a plan approval including a general plan approval.

(b) Each applicant for a plan approval shall, as part of the application or on a periodic basis as authorized under subsection (j), submit the compliance review on a form provided by the

Department, signed by a corporate officer or other responsible official of the facility submitting the application and containing a verification that the information contained in the application is true and correct to the best of the signatory's belief formed after reasonable inquiry.

(c) The compliance review form shall provide information related to the compliance status of the applicant and related parties, including:

(1) The name, address, telephone number, taxpayer identification number and plan approval or application number.

(2) The form of management under which the applicant conducts its business and a brief description of the types of business activities performed.

(3) The name and location, including both the address and the municipality and county, telephone number and relationship to the applicant--parent, subsidiary or general partner--of the related parties in this Commonwealth.

(4) The name and business address of the plant manager and general partners of the applicant.

(5) A list of plan approvals and operating permits issued by the Department or the Allegheny County or Philadelphia County air pollution control agencies to the applicant or related parties that are in effect at the time of application or were in effect during the previous 5 years. The list shall include each plan approval and operating permit number, locations and expiration dates.

(6) A list of documented conduct and deviations by the applicant or related parties. The list shall include the date, location, plan approval or operating permit number, the nature of the documented conduct or deviation and the incident status--litigation, existing/continuing, corrected and date of correction. Unless otherwise specifically directed by the Department, the applicant is not required to report deviations which have been previously reported to the Department in writing under the requirements of this article related to monitoring and reporting requirements.

(d) The applicant shall update the compliance review form if the documented conduct or deviations occur from the date of the submission of the application through the date of operating permit issuance.

(e) The Department may establish a supplemental compliance review form that may be used to update information submitted on the compliance review form.

(f) If the Department finds that the applicant or a related party has an existing or continuing violation or lacks the intention or ability to comply with the act, or the regulations under the act, or a plan approval operating permit or order of the Department, as indicated by past or present violations, the Department will attempt to resolve the violations or lack of intention or ability to comply informally.

(g) If the Department is unable to resolve the violation or lack of intention or ability to comply on an informal basis, the Department will place the violation and may place the lack of intention or ability to comply on the compliance docket. The violation or lack of intention or ability to comply shall remain on the compliance docket until it is resolved to the satisfaction of the Department.

(h) Plan approval will not be issued to an applicant or related party if a violation or lack of intention or ability to comply at a source owned or operated by the applicant or a related party appears on the compliance docket.

(i) A permittee or applicant may appeal to the EHB a violation or lack of intention or ability to comply which the Department places on the compliance docket.

(j) Other provisions of this section notwithstanding, a facility may submit the compliance review form required by this section on a periodic basis of not less than once every 6 months. The owners and operators of the facility shall make an election to submit the compliance review information on a periodic basis or as part of the plan approval application with the submission of the first operating permit application filed after November 26, 1994, or by making an election in writing by May 26, 1995. The facility may only change the election with the approval of the Department in writing or upon renewal of the first filed permit or a Title V permit.

(k) The owners and operators of the facility shall have reasonable procedures in place to insure that documented conduct and deviations are identified and made part of the compliance review information submitted to the Department.

§127.12b. Plan approval terms and conditions.

(a) A plan approval may contain terms and conditions the Department deems necessary to assure the proper operation of the source including the requirement for a compliance demonstration prior to issuance of an operating permit.

(b) At a minimum, each plan approval shall incorporate by reference the emission and performance standards and other requirements of the act, the Clean Air Act or the regulations adopted under the act or the Clean Air Act.

(c) The plan approval shall incorporate the monitoring, recordkeeping and reporting provisions required by Chapter 139 (relating to sampling and testing) and other monitoring, recordkeeping or reporting requirements of this article and additional requirements related to monitoring, recordkeeping and reporting required by the Clean Air Act and the regulations thereunder, including, if applicable, the enhanced monitoring requirements of 40 CFR Part 64 (relating to enhanced monitoring).

(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 days.

(e) Temporary operation will not be authorized or extended under this section which may circumvent the requirements of this chapter.

§127.12c. Plan approval reporting requirements.

Each source shall submit reports to the Department containing the information the Department may prescribe relative to the operation and maintenance of the source.

§127.13. Extensions.

(a) Approval granted by the Department will be valid for a limited time, as specified by the Department in the approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If the construction, modification or installation is not commenced within 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified.

§127.13a. Plan approval changes for cause.

A plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(1) The permittee constructs or operates the source subject to the plan approval in violation of the act, the Clean Air Act, the regulations promulgated under the act or the Clean Air Act, a plan approval or permit or in a manner that causes air pollution.

(2) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(3) The permittee fails to submit a report required by the plan approval.

(4) The EPA determines that the plan approval is not in compliance with the Clean Air Act or the regulations thereunder.

§127.13b. Denial of plan approval application.

(a) The Department will deny a plan approval for a source if one or more of the following applies:

(1) The Department has determined that the source is likely to cause air pollution or to violate the act, the Clean Air Act or the regulations promulgated under the act or the Clean Air Act applicable to the source.

(2) In the design of the source, provision has not been made for adequate demonstration and verification of compliance, including source testing or alternative means to demonstrate and verify compliance.

(3) The EPA has notified the Department in writing that the plan approval is not in compliance with the Clean Air Act or the regulations thereunder.

(4) The applicant or a related party has a violation or lack of intention or ability to comply that appears on the compliance docket.

(b) The applicant may not construct, install, modify or operate an air contamination source or install air pollution control equipment or devices on the source contrary to the plans and specifications approved by the Department.

§127.13c. Notice of basis for certain plan approval decisions.

(a) When the Department denies a plan approval application or terminates, modifies, suspends or revokes a plan approval already issued, the action shall be in the form of a written notice to the person affected informing the person of the action taken by the Department and setting forth in the notice a full and complete statement of the reasons for the action.

(b) The notice required by subsection (a) will be served upon the person affected either by hand delivery or by certified mail return receipt requested.

(c) The Department will publish a notice and brief description of the action in the Pennsylvania Bulletin.

(d) The action in the notice shall be final and not subject to review unless, within 30 days of the service of the notice, a person affected thereby appeals to the EHB setting forth the grounds relief upon.

§127.14. Exemptions.

(a) Plan approval is not required for the construction, modification, reactivation or installation of the following:

(1) Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.

(2) Combustion units rated at 2.5 million or less Btus per hour of heat input.

(3) Combustion units with a rated capacity of less than 10 million Btu per hour of heat input fueled by natural gas supplied by a public utility, liquified petroleum gas or by commercial fuel oils which are No. 2 or lighter-- viscosity less than or equal to 5.82 C St--and which meet the sulfur content requirements of §123.22 (relating to combustion units). Combustion units converting to fuel oils which are No. 3 or heavier--viscosity greater than 5.82 C St--or contain sulfur in excess of the requirements of §123.22 require approval. For the purpose of this section, commercial fuel oil shall be virgin oil which has no reprocessed, recycled or waste material added.

(4) Sources used in residential premises designed to house four or less families.

(5) Space heaters which heat by direct heat transfer.

(6) Mobile sources.

(7) Laboratory equipment used exclusively for chemical or physical analyses.

(8) Other sources and classes of sources determined to be of minor significance by the Department.

(9) Physical changes to sources when the Department has determined the physical changes to be of minor significance.

(b) When the Department allows de minimis emission increases under §127.449 (relating to de minimis emission increases), approval is not required for the construction, modification, reactivation or installation of the source creating the de minimis emission increases.

(c) For physical changes requested under subsection (a)(9), the Department will process requests for determinations as follows:

(1) For physical changes of minor significance that would not violate the terms of an operating permit, the act, the Clean Air Act or the regulations adopted under the act or the Clean Air Act and which would not result in emission increases above the emissions allowable in the operating permit or result in an increased ambient air quality impact for an air contaminant and which does not add new equipment, the applicant shall request approval, in writing, from the Department and the change may be made within 7 days of receipt by the Department of a written request unless the Department requests additional information or objects to the change within the 7-day period.

(2) For physical changes of minor significance that would not violate the terms of an operating permit, the act, the Clean Air Act or the regulations thereunder, and which would not result in emission increases above the emissions allowable in the operating permit or result in an increased ambient air quality impact for an air contaminant and which adds new equipment, the applicant shall request approval, in writing, from the Department and the change may be made

within 15 days of receipt of the written request unless the Department requests additional information or objects to the change within the 15-day period.

(3) For physical changes of minor significance that would violate the terms of an operating permit, the plan approval exemption may be processed contemporaneously with the minor operating permit modification under §127.462 (relating to minor operating permit modifications) unless precluded by the Clean Air Act or the regulations thereunder, or the applicant may request approval, in writing, from the Department for the plan approval exemption. The change may not be made until written approval is obtained from the Department and the necessary permit modification procedure has been completed.

(d) The Department may establish a list of sources and physical changes meeting the requirements of subsections (a)(8) and (9). The Department will publish notice of its intention to establish or modify the list in the Pennsylvania Bulletin and will establish a comment period of at least 30 days. After the close of the comment period, the Department will publish the final list or any modifications to the final list in the Pennsylvania Bulletin.

§127.21. – 127.24 (Reserved).

§127.25. Compliance requirement.

A person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

§127.31. [Reserved].

§127.32. Transfer of plan approvals.

(a) A plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval.

(c) A plan approval is valid only for that specific source and that specific location of the source as described in the application.

§127.33. (Reserved).

§127.34. (Reserved).

§127.35. Maximum achievable control technology standards for hazardous air pollutants.

- (a) This section establishes the process that the Department will follow in establishing maximum achievable control technology standards in plan approvals.
- (b) The regulations establishing performance or emission standards promulgated under section 112 of the Clean Air Act (42 U.S.C.A. § 7412) at 40 CFR Part 63 (relating to National Emission Standards for Hazardous Air Pollutants for Source Categories) are incorporated by reference into the Department's plan approval program. After the effective date of the performance or emission standard, new, reconstructed, modified and existing sources shall comply with the performance or emission standards pursuant to the compliance schedule established under section 112 of the Clean Air Act and the regulations thereunder.
- (c) If the Administrator of the EPA has not promulgated a standard to control the emissions of hazardous air pollutants for a category or subcategory of major stationary sources under section 112 of the Clean Air Act pursuant to the schedule established under section 112(c) of the Clean Air Act, the Department will establish a performance or emission standard on a case-by-case basis for individual sources or a category of sources for those major stationary sources.
- (d) The Department will establish performance or emission standards as required by section 112(g) of the Clean Air Act for the construction, reconstruction or modification of sources.
- (e) The standards established under this section will be incorporated into the plan approval of 127-B- 11 each source within the category or subcategory for which a maximum achievable control technology requirement has been established. The Department has the authority to require, in the plan approval, reasonable monitoring, recordkeeping and reporting requirements for sources which emit hazardous air pollutants.
- (f) A person challenging the performance or emission standards established by the Department has the burden to demonstrate that the performance or emission standard does not meet the requirements of section 112 of the Clean Air Act.
- (g) In addition to the requirements of this section, the Department is authorized to require that new sources demonstrate in the plan approval application that the source will reduce or control emissions of air pollutants, including hazardous air pollutants, by using best available technology.
- (h) The early emissions reduction program authorized under section 112(i)(5) of the Clean Air Act is incorporated by reference into the Department's plan approval and operating permit program.

§127.36. Health risk-based emission standards and operating practice requirements.

- (a) This section describes the process for establishing health risk-based emission standards and operating practice requirements.

(b) When needed to protect public health, welfare and the environment from emissions of hazardous air pollutants from new and existing sources, the Department may impose health risk-based emission standards or operating practice requirements, except as precluded by section 6.6(d)(2) and (3) of the act (35 P.S. § 4006.6(d)(2) and (3)).

(c) In developing health risk-based emission standards or operating practice requirements, the Department will provide an explanation and rationale for the standards or requirements.

(d) The Department will provide for public review and comment on a plan approval, guideline and regulation which contains a health risk-based emission standard or operating practice requirement.

(e) Standards or requirements adopted under this section shall be developed using an analysis which, among other factors, considers, when appropriate for a source or source category, the criteria in section 112(f)(1) of the Clean Air Act (42 U.S.C.A. § 7412(f)(1)), in assessing the proposed risk to the public health, welfare and the environment from the source.

(f) The standards established under this section shall be incorporated into the plan approval of each source within the category or subcategory for which the health risk-based performance or emission standard has been established. The Department has the authority to require, in the plan approval and operating permit, reasonable monitoring, recordkeeping and reporting requirements for sources which emit hazardous air pollutants.

(g) A person challenging a performance or emission standard established by the Department has the burden to demonstrate that the performance or emission standard does not meet the requirements of section 112 of the Clean Air Act.

§127.41.– 127.43 [Reserved].

§127.43a. [Not in SIP]

§127.44. Public notice.

(a) 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) Other sources for which the Department has determined there is substantial public interest or for which the Department invites public comment.

(b) The notice required by subsection (a)(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) If the Department denies a plan approval, the requirements of subsection (b) do not apply. Written notice of a denial will be given to requestors and to the applicant.

(d) In each case, the Department will publish notices required in subsection (a) in the Pennsylvania Bulletin.

(e) 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)(1)--(4) or plan approvals issued to sources with limitations on their 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 notice of proposed plan approval issuance required by § 127.44(a) (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 is taking place.

(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) 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 protests.

(ii) Procedures for requesting a hearing and the nature of that hearing.

(iii) Any other procedure by which the public may participate in the final decision.

(7) The name and telephone number of a person to contact 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).

§127.46. Filing protests.

(a) A protest to a proposed permit action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under § 127.44 (relating to public notice).

(b) Each protest shall include the following:

(1) Name, address and telephone number of the person filing the protest.

(2) Identification of the proposed plan approval issuance being opposed.

(3) Concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

§127.47. Consideration of protest.

(a) A protest alerts the Department to the fact and nature of the objection of the protestant to the proposed action on the application.

(b) The Department is not required to consider protests filed subsequent to the time designated in § 127.46 (relating to filing protests), but it may consider them if filed prior to issuance of a plan approval as detailed in Subchapter B (relating to plan approval requirements).

§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, protestant, and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the Pennsylvania Bulletin, except where the Department determines that notification by telephone will be sufficient.

§127.49. Conference or hearing procedure.

(a) Conferences and hearings shall be conducted by a presiding officer.

(b) Except if provided otherwise in the notice or by the presiding officer, conferences and hearings shall be conducted in an informal manner and the rules of evidence are not applicable.

(c) When provided in the notice, a participant may be required to present a written statement, together with exhibits required, at the conference or hearing for the use of the participants. Persons unable to attend the conference or hearing may submit three copies of a written statement and exhibits within 10 days thereafter to the Department.

(d) At the conference or hearing, a participant may, at his own cost, record the proceedings using a stenographer, tape recorder or other means.

§127.50. Conference or hearing record.

(a) Following the conference or hearing, the presiding officer shall prepare a summary which shall contain the following:

(1) Identification of the plan approval application and the name of the plant or facility which is being constructed or modified.

(2) The names and addresses of each participant and whom the participant represents.

(3) The substance of the opening and closing statement by the presiding officer.

(4) The substance of the matters discussed or testified to and agreements reached by the participants.

(5) Other relevant matters to inform the Department of the results of the conference or hearing.

(b) A copy of the summary shall be submitted upon request to each participant in the proceeding. Copies of the summary, together with any transcript of the proceedings, written

statements, exhibits and protests will also be placed in the file in the appropriate office in the Department for review by the participants prior to disposition of the plan approval application.

§127.51. Plan approval disposition.

- (a) After reviewing a protest or record of a conference or hearing, the Department may take action authorized by this chapter.
- (b) A notice of denial or a plan approval will be issued to the applicant. Each protestant who has submitted a comment within the time period set forth in § 127.46 (relating to filing protests) will be notified personally or by mailing a copy of the plan approval disposition to the address set forth in the protest.
- (c) The Department will also publish notice of its action in the Pennsylvania Bulletin which will be deemed to be sufficient notice to others.

§127.52. [Reserved]