

# Small Business Compliance Advisory Committee

to the Pennsylvania Department of Environmental Protection

PO Box 8468

Harrisburg, PA 17105-8468

January 28, 2015

Honorable John Quigley  
Acting Secretary  
Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

Re: Final Rulemaking Amendments for Additional Requirements for Major Sources of NO<sub>x</sub> and VOCs

Dear Acting Secretary Quigley:

On January 28, 2015, the Small Business Compliance Advisory Committee (Committee) heard a presentation about the final rulemaking to amend 25 *Pa. Code* Chapters 121 and 129 (relating to general provisions; and standards for sources) to add additional requirements for major sources of nitrogen oxide (NO<sub>x</sub>) and volatile organic compound (VOC) emissions. The final rulemaking amends § 121.1 (relating to definitions) to add or revise terms and definitions and adds five sections to Chapter 129 to establish presumptive reasonably available control technology (RACT) requirements and RACT emission limitations for certain major stationary air contamination sources of NO<sub>x</sub> and VOC emissions, including combustion units, boilers, process heaters, turbines, engines, municipal solid waste landfills, municipal waste combustors, cement kilns, and other sources that are not regulated elsewhere in 25 *Pa. Code* Chapter 129. The final rulemaking also adds requirements for an averaging program and for case-by-case evaluations for sources that cannot meet the presumptive RACT requirements and RACT emission limitations.

During the discussion about the final rulemaking after the presentation, the Committee expressed deep concerns about the impact of this final rulemaking on small businesses and asked questions about how many small businesses may be impacted by the requirements. The Department indicated that there are about 20 small business-sized facilities directly impacted by the requirements, but the presentation mentioned that there are 810 air pollution units that will be impacted by the requirements. The Department's analysis of how many facilities directly impacted by the final rulemaking are classified as small business was not available during the meeting.

The Committee is also concerned about the adverse impact of the final rulemaking requirements on the owners and operators of small businesses that supply the facilities that are directly impacted by the requirements, as well as the adverse impact of the requirements on jobs directly and in the supply chain. There are many more regulations for air pollution and climate change coming down the pike and the cumulative adverse impact of all of these requirements on small businesses is significant.

With these concerns in mind, the Committee voted 6-2-0 (Y/N/Abstain) to concur with the Department's recommendation to present the final rulemaking amendments to the Environmental Quality Board for consideration for adoption as a final-form regulation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale I. Kaplan".

Dale I. Kaplan  
Chair

cc: Joyce Epps, Director, PA DEP BAQ  
Susan Hoyle, PA DEP BAQ  
Susan Foster, PA DEP BAQ