Order
Department of Environmental Protection
Environmental Quality Board
(25 *Pa. Code* Chapters 121 and 129)
Paper, Film and Foil Surface Coating Processes

The Environmental Quality Board (Board) amends Chapters 121 and 129 (relating to general provisions; and standards for sources) as set forth in Annex A.

The final-form rulemaking amends Chapter 129 to limit emissions of volatile organic compounds (VOCs) from the use and application of coatings and cleaning materials in paper, film and foil surface coating processes. The amendments add § 129.52b (relating to control of VOC emissions from paper, film and foil surface coating processes) and revise §§ 129.51 and 129.52 (relating to general; and surface coating processes). The final-form rulemaking also amends § 121.1 (relating to definitions).

This order was adopted by the Board at its meeting on (date).

A. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information contact Arleen Shulman, Chief, Division of Air Resource Management, P.O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3436, or Kristen Furlan, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) Web site at www.depweb.state.pa.us (Keyword: Public Participation).

C. Statutory Authority

This final-form rulemaking is authorized under section 5 of the Air Pollution Control Act (APCA) (35 P. S. § 4005), which in subsection (a)(1) grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and which in subsection (a)(8) grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA).

D. Background and Purpose

The purpose of this final-form rulemaking is to reduce VOC emissions from paper, film and foil surface coating operations. VOCs are a precursor for ozone formation. Ground-level ozone is not emitted directly by surface coatings to the atmosphere, but is formed by a photochemical

reaction between VOCs and nitrogen oxides (NOx) in the presence of sunlight. The final-form rulemaking adopts the emission limits and other requirements of the U.S. Environmental Protection Agency's (EPA) 2007 Control Techniques Guidelines (CTG) for paper, film and foil coatings to meet Federal CAA requirements.

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ozone, particulate matter, NOx, carbon monoxide, sulfur dioxide and lead. The CAA established two types of NAAQS: primary standards, limits set to protect public health; and secondary standards, limits set to protect public welfare, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA has established primary and secondary ozone NAAQS to protect public health and welfare.

When ground-level ozone is present in concentrations in excess of the Federal health-based 8-hour NAAQS for ozone, public health and welfare are adversely affected. Ozone exposure correlates to increased respiratory disease and higher mortality rates. Ozone can inflame and damage the lining of the lungs. Within a few days, the damaged cells are shed and replaced. Over a long time period, lung tissue may become permanently scarred, resulting in permanent loss of lung function and a lower quality of life. When ambient ozone levels are high, more people with asthma have attacks that require a doctor's attention or use of medication. Ozone also makes people more sensitive to allergens including pet dander, pollen and dust mites, all of which can trigger asthma attacks.

The EPA has concluded that there is an association between high levels of ambient ozone and increased hospital admissions for respiratory ailments including asthma. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ozone while engaged in activities that involve physical exertion. High levels of ozone also affect animals in ways similar to humans.

In addition to causing adverse human and animal health effects, the EPA has concluded that ozone affects vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests, and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. Through deposition, ground-level ozone also contributes to pollution in the Chesapeake Bay. The economic value of some welfare losses due to ozone can be calculated, such as crop yield loss from both reduced seed production and visible injury to some leaf crops, including lettuce, spinach and tobacco, as well as visible injury to ornamental plants, including grass, flowers and shrubs. Other types of welfare loss may not be quantifiable, such as the reduced aesthetic value of trees growing in heavily visited parks.

High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of

additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare and the environment.

In July 1997, the EPA established primary and secondary ozone standards at a level of 0.08 parts per million (ppm) averaged over 8 hours. 62 FR 38855 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. This Commonwealth is meeting the 1997 standard in all areas except the five-county Philadelphia area. The areas in which the 1997 standard has been attained are required to have permanent and enforceable control measures to ensure violations do not occur for the next decade.

Furthermore, in March 2008, the EPA lowered the standard to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). The EPA is reconsidering the March 2008 ozone NAAQS and proposed on January 19, 2010, to set a more protective 8-hour ozone primary standard between 0.060 and 0.070 ppm to provide increased protection for children and other at-risk groups. See 75 FR 2938. The EPA also proposed that the secondary ozone standard, which was set identically to the revised primary standard in the 2008 final rule, should instead be a new cumulative, seasonal standard. See 75 FR 2938. This seasonal standard is designed to protect plants and trees from damage occurring from repeated ozone exposure, which can reduce tree growth, damage leaves, and increase susceptibility to disease. The final revised ozone NAAQS is expected in August 2010.

There are no Federal statutory or regulatory limits for VOC emissions from paper, film and foil surface coating operations. State regulations to control VOC emissions from paper, film and foil surface coating operations are required under Federal law, however, and will be reviewed by the EPA for whether they meet the "reasonably available control technology" (RACT) requirements of the CAA and its implementing regulations. *Consumer and Commercial Products; Control Techniques Guidelines in lieu of Regulations for Paper, Film, and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings,* 72 FR 57215, 57218 (October 9, 2007).

Section 172(c)(1) of the CAA provides that State Implementation Plans (SIPs) for nonattainment areas must include "reasonably available control measures," including RACT, for sources of emissions. 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued by the EPA prior to the area's date of attainment. 42 U.S.C. § 7511a(b)(2). More importantly, § 184(b)(1)(B) of the CAA requires that states in the Ozone Transport Region (OTR), including Pennsylvania, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG. 42 U.S.C. § 7511c(b)(1)(B).

Section 183(e) of the CAA directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. 42 U.S.C. § 7511b(e). Section 183(e)(3)(C) of the CAA further

provides that the EPA may issue a CTG in place of a National regulation for a product category where the EPA determines that the CTG will be "substantially as effective as regulations" in reducing emissions of VOC in ozone nonattainment areas. 42 U.S.C. § 7511b(e)(3)(C).

In 1995, the EPA listed paper, film and foil coatings on its § 183(e) list and, in 2007, issued a CTG for this product category. See 60 FR 15264 (March 23, 1995) and 72 FR 57215 (October 9, 2007). In the 2007 notice, the EPA determined that the CTG would be substantially as effective as a National regulation in reducing VOC emissions from these product categories in ozone nonattainment areas. See 72 FR 57220.

The CTG provides states with the EPA's recommendation of what constitutes RACT for the covered category. States can use the recommendations provided in the CTG to inform their own determination as to what constitutes RACT for VOC emissions from the covered category. State air pollution control agencies are free to implement other technically sound approaches that are consistent with the CAA requirements and the EPA's implementing regulations or guidelines.

The Department has reviewed the recommendations included in the 2007 CTG for paper, film and foil coatings for their applicability to the ozone reduction measures necessary for this Commonwealth. The Department has determined that the measures provided in the CTG for paper, film and foil coatings are appropriate to be implemented in this Commonwealth as RACT for this category.

This final-form rulemaking will assist in reducing VOC emissions locally as well as reducing the transport of VOC emissions and ground-level ozone to downwind states. Adoption of VOC emission requirements for paper, film and foil surface coating operations is part of the Commonwealth's strategy, in concert with other OTR jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS. The final-form rulemaking is required under the CAA and is reasonably necessary to attain and maintain the health-based 8-hour ozone NAAQS and to satisfy related Clean Air Act requirements in this Commonwealth. This final-form rulemaking will be submitted to the EPA as a revision to the SIP.

The final-form rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on June 17, 2010. The AQTAC concurred with the Department's recommendation to present the final-form amendments to the Board for approval for publication as a final regulation. The Department also consulted with the Small Business Compliance Advisory Committee (SBCAC) on July 28, 2010. The SBCAC had no concerns. The Department consulted with the Citizens Advisory Council on June 30, 2010.

E. <u>Summary of Regulatory Requirements; and Changes to the Proposed Rulemaking</u>

The final-form rulemaking adds the term and definition of "coating line" to § 121.1. The final-form rulemaking amends the definition of "coating" to specify a definition for purposes of § 129.52b that is consistent with the EPA's CTG; and also amends the definition of the term "paper coating" to correspond to the broader terms "paper, film or foil coating" and "paper, film or foil surface coating," which are used in other sections of Chapter 129 and this rulemaking.

The final-form rulemaking amends § 129.51(a) to extend its coverage to paper, film and foil surface coating processes covered by this final-form rulemaking. Section 129.51(a) provides an alternative method for owners and operators of facilities to achieve compliance with air emission limits.

The final-form rulemaking amends § 129.52 by adding subsection (j). Section 129.52 specifies requirements and emission limits for various surface coating processes. The amendment in this final-form rulemaking clarifies that the requirements and limits already specified in § 129.52 for paper coatings are superseded by the requirements and limits adopted in this final-form rulemaking.

The final-form rulemaking adds § 129.52b to regulate VOC emissions from paper, film and foil surface coating processes. The applicability of this new section is described in subsection (a), which establishes that emission limits and other requirements of this section apply to the owner and operator of a paper, film or foil surface coating process if an individual paper, film or foil surface coating line has a potential to emit at least 25 tpy of VOC from coatings, prior to controls. This differs from the current applicability threshold in § 129.52, and is consistent with the recommended applicability threshold in the CTG. The current applicability threshold in § 129.52 is also carried over into subsection (a) for paper surface coating processes only, in subsection 129.52b(a)(2), in order to avoid backsliding from current emission limitations. Subsection (a) specifies that the emission limits and other requirements of § 129.52b supersede the emission limits and other requirements of § 129.52.

Subsection (a) also establishes that the work practice requirements specified in subsection (h) for cleaning materials, and the related compliance monitoring and recordkeeping and reporting requirements specified in subsections (d) and (e), apply to the owner and operator of a paper, film or foil surface coating process if the total actual VOC emissions from all paper, film or foil surface coating operations, including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls. Basing the applicability on a 12-month rolling period is generally considered to be more stringent than basing it on a calendar year, as in § 129.52(a), but is consistent with the CTG.

Subsection (b) explains that the requirements of § 129.52b supersede the requirements of a RACT permit for VOC emissions from a paper, film or foil surface coating operation already issued to the owner or operator of a source subject to § 129.52b, except to the extent the RACT permit contains more stringent requirements.

Subsection (c) establishes VOC emission limits. Beginning January 1, 2012, a person may not cause or permit the emission into the outdoor atmosphere of VOCs from a paper, film or foil surface coating process subject to § 129.52b, unless: (1) the VOC content of each as applied coating is equal to or less than the limit specified in Table I (relating to emission limits of VOCs for paper, film and foil surface coatings if potential VOC emissions from a single line, prior to control, are 25 tons per year or more) or Table II (relating to emission limit of VOCs for paper coating if actual VOC emissions have exceeded 3 pounds per hour, 15 pounds per day or 2.7 tons per year in any year since January 1, 1987); or (2) the overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery, incineration or another method that is

acceptable under § 129.51(a). The second option also addresses the overall efficiency of a control system.

Final-form subsection (d) identifies daily records that must be kept to demonstrate compliance with § 129.52b. An owner or operator of an individual paper, film or foil surface coating line that is subject to this section by virtue of having a potential to emit of at least 25 tpy of VOC from coatings, prior to controls, must keep daily records that include the parameters and VOC content of each coating, thinner, component and cleaning solvent, as supplied, and the VOC content of each as applied coating or cleaning solvent. The daily records required of an owner or operator of a paper, film or foil surface coating process subject to the cleaning material-related requirements of § 129.52b are similar, but relate only to cleaning solvents. The owner or operator of a facility subject to this section by virtue of the existing threshold being carried forward from § 129.52 must also keep daily records of the volume percent solids for each coating, thinner or component, as supplied.

Final-form subsection (e) contains a change to the recordkeeping and reporting requirements proposed in § 129.52b(e). The proposed rulemaking required that records be maintained for 2 years. The final-form provision requires that records be maintained for 2 years unless a longer period is required by 25 *Pa. Code* § 127.511(b)(2) (relating to monitoring and related recordkeeping and reporting requirements). Additionally, § 129.52b(e) has been amended at final to clarify that records shall be submitted to the Department upon receipt of a written request.

Under final-form subsection (f), an owner or operator of an individual paper, film or foil surface coating line that is subject to § 129.52b by virtue of having a potential to emit at least 25 tpy of VOC from coatings, prior to controls, may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of paper, film or foil surface coatings, unless the coatings are applied using rotogravure coating, reverse roll coating, knife coating, dip coating, slot die coating, flexographic coating, extrusion coating or calendaring. An owner or operator may use another coating application method if a request is submitted in writing that demonstrates that the method is capable of achieving a transfer efficiency equivalent to or better than that achieved by the other methods listed in subsection (f), and is approved in writing by the Department prior to use.

Final-form subsection (g) exempts from the VOC coating content limits in Tables I and II of § 129.52b a coating used exclusively for determining product quality and commercial acceptance and other small quantity coatings, if the quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility and if the owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

Final-form subsection (h) establishes work practices that an owner or operator of a paper, film or foil surface coating process subject to § 129.52b must comply with for cleaning materials. Consistent with the CTG, this subsection has been amended to apply to all processes subject to this section, not just to those subject to the cleaning material-related requirements of this section.

Final-form Table I establishes emission limits of VOCs for paper, film and foil surface coatings from a single line, expressed in units of weight of VOC per weight of coating solids, as applied. The title is amended in the final-form rulemaking for clarity.

Final-form Table II establishes emission limits of VOCs for paper coatings, only, if actual VOC emissions have exceeded 3 pounds per hour, 15 pounds per day or 2.7 tons per year in any year since January 1, 1987. This table, along with the applicability criteria of § 129.52b(a)(2), were added to carry forward the previously regulated paper coating sources (in § 129.52) that would fall between the applicability criteria of § 129.52b(a)(1) and (a)(3) and eliminate the potential for backsliding. Emission limits in Table II are expressed in units of weight of VOC per volume of coating solids, as applied.

F. Comments and Responses

The Board approved publication of the proposed rulemaking at its meeting of September 15, 2009. The proposed rulemaking was published at 39 *Pa.B.* 6460 (November 7, 2009). Three public hearings were held on December 9, 11 and 14, 2010, in Pittsburgh, Harrisburg and Norristown, PA, respectively. The public comment period closed on January 13, 2010.

No public comments were received by the Board.

The Independent Regulatory Review Commission (IRRC) commented that proposed §§ 129.52b(d) and (e), which require the owners and operators of the regulated surface coating processes to maintain certain records, are unclear. The IRRC requested that the Board clarify the format in which these records must be maintained. The Department respectfully disagrees that subsections (d) and (e) are unclear. Requiring regulated facilities to maintain records is a standard requirement found in many Board-approved regulations, including § 129.52(g), for instance. Neither the Department nor the regulated sources have had difficulty understanding or complying with this requirement. The Department made no changes to the final-form rulemaking in response to this comment.

The IRRC commented that proposed § 129.52b(e), which requires that records required under § 129.52b(d) be submitted to the Department "upon request," is unclear as to whether this request will be made orally or in writing. The Department agrees, and has revised the final-form rulemaking to specify that the records shall be submitted to the Department upon receipt of a written request.

G. Benefits, Costs and Compliance

Benefits

Implementation of the final-form rulemaking will benefit the health and welfare of the approximately 12 million humans, animals, crops, vegetation and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to ground-level ozone air pollution. Although the final-form rulemaking is designed primarily to address ozone air quality, the reformulation or substitution of coating products to meet the VOC content limits applicable

to users may also result in reduction of hazardous air pollutant (HAP) emissions, which are also a serious health threat.

The final-form rulemaking provides as one compliance option that coatings used on or applied to paper, film or foil products manufactured in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content solvents will also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Owners and operators of affected paper, film and foil coating process facilities may also reduce VOC emissions through the use of add-on controls, or a combination of complying coatings and add-on controls.

In this Commonwealth, approximately 15 paper, film and foil surface coating operations combine to emit an estimated total of 374 tons of VOCs per year.

The EPA estimates that implementation of the recommended control options for paper, film or foil surface coatings processes will result in approximately a 47% reduction in VOC emissions. The maximum anticipated additional annual VOC reductions from the paper, film or foil surface coating facilities as a result of this rulemaking is approximately 176 tons (374 tons x 47%).

Compliance Costs

The costs of complying with the final-form amendments include the cost of using alternative product formulations, such as low-VOC or water-based coatings, and the cost of using add-on controls, such as thermal oxidizers. The facility owner or operator is given the flexibility to choose controls. Based on information provided by the EPA in the paper, film and foil coating CTG, the cost effectiveness of reducing VOC emissions from paper, film and foil surface coating operations is estimated to be $1,200 per ton of VOC reduced. This estimate is based on the use of thermal oxidizer add-on controls, which are the most costly option to reduce VOC emissions on an annual operating basis. The estimated annual cost for the owners or operators of the affected noncomplying paper, film and foil surface coating facilities in this Commonwealth, combined, is $211,200 (176 tons VOC reduced x $1,200 per ton reduced). Based on total VOC emissions reported to the Department for the 2009 calendar year, the annual compliance costs for each affected noncomplying facility will range from an estimated $2,000 to an estimated $69,000 depending on actual VOC emissions.

The potential total annual costs to the regulated industry of $211,200 for paper, film and foil surface coating operations are negligible compared to the improved health and environmental benefits that will be gained from this final-form rulemaking.

The implementation of the work practice requirements for cleaning materials is expected to result in a net cost savings. The recommended work practices should reduce the amount of cleaning materials used by reducing the amount of cleaning materials lost to evaporation, spillage and waste.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

The owners and operators of affected paper, film or foil surface coating operations will be required to keep daily operational records of information for coatings and cleaning solvents sufficient to demonstrate compliance, including identification of materials, VOC content and volumes used. The records must be maintained for at least 2 years and submitted to the Department upon written request. Persons claiming the small quantity exemption or use of exempt coating are required to keep records demonstrating the validity of the exemption. Persons seeking to comply through the use of add-on controls are required to meet the applicable reporting requirements specified in 25 *Pa. Code* Chapter 139 (relating to sampling and testing).

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation has incorporated the following pollution prevention incentives:

The final-form amendments will assure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from paper, film and foil surface coating processes. Although the final-form amendments are designed primarily to address ozone air quality, the reformulation or substitution of coating products to meet the VOC content limits applicable to users may also result in reduction of HAP emissions, which are also a serious health threat. The final-form rulemaking provides as one compliance option that coatings used on or applied to paper, film and foil products manufactured in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content solvents will also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Owners and operators of affected paper, film and foil surface coating process facilities may also reduce VOC emissions through the use of add-on controls, or a combination of complying coatings and add-on controls.

I. Sunset Review

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 28, 2009, the Department submitted a copy of the proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House and Senate Environmental Resources and Energy Committees (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department considered the comments received from IRRC, the Committees, and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. §745.a(d)), on (date), this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on (date), and approved the final-form rulemaking.

K. Findings of the Board

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder at *1 Pennsylvania Code* §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 39 *Pa.B.* 6460 (November 7, 2009).

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

(5) These regulations are necessary to attain and maintain the ozone National Ambient Air Quality Standards (NAAQS) and to satisfy related Clean Air Act requirements.

L. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department of Environmental Protection, 25 *Pennsylvania Code*, Chapters 121 and 129, are amended by amending §§ 121.1, 129.51 and 129.52, and adding § 129.52b to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) These final-form amendments will be submitted to the U.S. EPA as an amendment to the Pennsylvania State Implementation Plan.

(f) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JOHN HANGER
Chairperson