

**Synopsis of Comments to Proposed Rulemaking No. 7-450 (#2818)  
40 Pa.B 703 – Saturday, February 6, 2010  
25 Pa. Code Chapters 121 and 127 (New Source Review)**

Submitted by

RRI Energy, Inc.

121 Champion Way, Suite 200

Canonsburg, PA 15317

Attn.: Mr. Keith A. Schmidt

(724) 597-8193

[kschmidt@rrienergy.com](mailto:kschmidt@rrienergy.com)

Mr. John P. Shimshock

(724) 597-8405

[jshimshock@rrienergy.com](mailto:jshimshock@rrienergy.com)

1. Although RRI Energy understands the impetus for the proposed rulemaking, we insist that the proposed changes mirror the new federal requirements to the extent practicable. This would help to ensure consistency (where appropriate) among the Federal regulations and 25 Pa. Code Chapter 127, Subchapters D and E. Enactment of the current proposed rulemaking would result in two distinct and different sets of definitions for some parameters of interest (e.g., two different definitions for a “regulated NSR pollutant” and “significant,” with the definitions depending on the attainment status of the pollutant of interest). RRI Energy insists that the definitions be consistent among the regulations in an attempt to promote understanding among the stakeholders and consistency of usage.
  
2. Please amend 25 Pa. Code §127.203a(5) – Applicability determination – as outlined below to provide for clarity and consistency with the requirements of 25 Pa. Code §127.203(f) – Facilities subject to special permit requirements:
  - (5) Projected actual emissions is the maximum annual rate, in TPY, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit’s design capacity or its potential to emit of that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major facility. The following procedures apply in determining the projected actual emissions of a regulated NSR pollutant for an emissions unit, before beginning actual construction on the project:

\* \* \* \* \*

    - (iii) If the projected actual emissions for a regulated NSR pollutant are in excess of the baseline actual emissions and the project results in a net emissions increase which equals or exceeds the applicable significant emissions rate, the following apply:
      - (A) The projected actual emissions for the regulated NSR pollutant must be incorporated into the required plan approval or the operating permit as an emission limit.