

**Executive Summary**  
**Amendments to 25 Pa. Code Chapter 128**  
**St. Joe Resources Company: Repeal**

**Purpose and Summary of the Final-Omitted Rulemaking**

The purpose of this final-omitted rulemaking is to rescind the “state-specific” requirements to reduce sulfur dioxide (SO<sub>2</sub>) emissions codified in § 128.21 (relating to St. Joe Resources Company; Potter Township, Beaver County, Pennsylvania.). Section 128.21 was published as final rulemaking at 16 Pa.B. 521 (February 22, 1986).

The regulation provided an alternative compliance option to the applicable sulfur dioxide (SO<sub>2</sub>) standards in 25 Pa. Code § 123.22(d) (relating to combustion units) for the St. Joe Resources Company (now doing business as Horsehead Industries, Inc.) facility located in Beaver County. The owner of the facility requested the alternative emission reduction limitations in a 1982 Plan Approval application, which proposed emissions of SO<sub>2</sub> from the coal-fired boilers in excess of the emission limitation in § 123.22(d) and in exchange, reduced SO<sub>2</sub> emissions from two other sources at the facility: the sinter machines and the roaster plant.

On October 5, 1987, the Department received notice of a change of ownership from St. Joe Resources Company to The New Jersey Zinc Company, a division of Horsehead Industries, Inc. The New Jersey Zinc Company is also known as Zinc Corporation of America and Horsehead Corporation. On December 16, 1988, Zinc Corporation of America requested a revision to their Operating Permit # 04-325-001A, removing the alternative emission reduction limitations and adding the applicable requirements of § 123.22(d). Horsehead Corporation’s current Title V Operating Permit #04-00044 contains the requirements of § 123.22(d) for the coal-fired boilers and retains the reduced SO<sub>2</sub> emission limits for the sinter machines as required by § 127.441 (relating to operating permit terms and conditions). The roaster plant regulated under § 128.21 is no longer in operation. Continuous emissions monitoring system data indicate the boilers now meet the standards in § 123.22(d) due to a change to low sulfur fuel with lime injection and natural gas. The alternative emission reduction limitations in § 128.21 are no longer necessary and the owners of the Horsehead facility also agree that the alternative SO<sub>2</sub> limits in § 128.21 should be repealed.

**Affected Parties**

The alternative emission reduction limitations in § 128.21 only apply to the specified St. Joe Resources Company facility, now currently owned by the Horsehead Corporation. The former owner of the facility requested the alternative emission reduction limitations in 1982. The alternative emission reduction limitations are no longer required because the current owner of the facility is meeting the SO<sub>2</sub> emission standards of § 123.22(d), which are Federally enforceable in the facility’s Title V Operating Permit. The repeal of § 128.21 will remove the provisions from the *Pennsylvania Code*.

### **Advisory Groups**

The rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on June 23, 2011. The AQTAC voted 15-0-0 to concur with the Department's recommendation to forward the rulemaking to the Environmental Quality Board (Board). The rulemaking was discussed with the Citizens Advisory Council (CAC) Air Committee on October 19, 2011. The CAC Air Committee had no concerns. On the recommendation of the Air Committee, on November 15, 2011, the CAC voted to concur with proceeding to the Board.

### **Public Comments and Board Hearings**

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)). Omission of notice of proposed rulemaking is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202) is, in this instance, impracticable, unnecessary and contrary to the public interest. Horsehead Corporation's current Title V Operating Permit #04-00044 contains the requirements of § 123.22(d) for the coal-fired boilers and retains the reduced SO<sub>2</sub> emission limits for the sinter machines as required by 25 Pa. Code § 127.441. The roaster plant regulated under § 128.21 is no longer in operation. Therefore, no public comment period is recommended for the repeal of the alternative SO<sub>2</sub> emission reduction limitations for the St. Joe Resources Company.