



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

Proposed Rulemaking: Additional RACT Requirements for Major Sources of NO_x and VOCs (25 Pa. Code Chapters 121 and 129)

**Environmental Quality Board
November 19, 2013**

Purpose of the Proposed RACT Rulemaking

- The proposed rulemaking establishes additional Reasonably Available Control Technology (RACT) requirements for existing major stationary sources of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) as required under the federal Clean Air Act (CAA).
- This re-evaluation of RACT is necessary because EPA revised the ozone National Ambient Air Quality Standards in 1997 and 2008.
- Compliance with RACT is required statewide in Pennsylvania because the entire Commonwealth is included in the Ozone Transport Region established under CAA .

Proposed Rulemaking: Affected Parties

- Any owner or operator of a “major NOx-emitting facility” or a “major VOC- emitting facility,” or both, that existed on or before July 20, 2012.
- Facility owners or operators modifying the existing minor facility after July 20, 2012, that result in the facility meeting the definition of a “major NOx-emitting facility” or a “major VOC emitting facility,” or both.
- Approximately 192 major facilities may be impacted by this proposed rulemaking.

Proposed Rulemaking: Affected Source Categories

Regulated Source Categories include the following:

- Combustion units
- Boilers
- Process heaters
- Turbines
- Engines
- Municipal solid waste landfills
- Municipal waste combustors
- Cement kilns
- Other sources that are not regulated elsewhere in Chapter 129.

➤ Proposed RACT Compliance Options

The proposed rulemaking provides compliance options for affected facility owners and operators to satisfy the additional RACT requirements.

These compliance options include the following:

- Presumptive RACT Emission Limitations and Requirements
- Facility-wide or System-wide NO_x Emissions Averaging
- Alternative RACT proposals and compliance schedules

➤ Presumptive RACT Compliance Options

The proposed rulemaking establishes presumptive RACT compliance options such as emission limitations and work practices for certain source categories including the following:

- Boilers
- Turbines
- Engines
- Incinerators
- Landfills
- Cement kilns

Proposed NOx Emissions Averaging Option

- For an owner or operator that cannot meet the NOx RACT emission limitations on a source-by-source basis, the proposed regulation allows for averaging emissions on a Facility-wide, or System-wide basis as appropriate.
- The averaging must be among sources under common control of the same owner or operator.
- Compliance demonstrations must show that the aggregate facility-wide or system-wide NOx emissions emitted are no greater than 90% of the sum of the NOx emissions that would be allowed if each source complied with a source-specific standard.
- The emission averaging requirements must be incorporated in operating permits.

Alternative RACT Proposals

- The proposed RACT regulation allows for alternative RACT proposals to establish NO_x and/or VOC emission limitations or compliance schedule to demonstrate compliance.
- The proposed rulemaking establishes criteria for the submission of alternative VOC or NO_x emission limitations.
- Alternative RACT emission limitations approved by DEP or local air pollution control programs would be submitted to EPA for approval as SIP revisions.

Impact of Proposed Rulemaking on Businesses

The economic impact of the proposed rulemaking on all businesses is expected to be minimal.

The proposed rulemaking provides a three-tiered approach intended to maximize the flexibility all businesses will have to comply with the proposed standards.

Advisory Committee Review

The Air Quality Technical Advisory Committee concurred with the DEP's recommendation to present the proposal to the Board for consideration on February 14, 2013.

The Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee reviewed the proposal on February 6, 2013. Based on the CAC committee's recommendation, the full council concurred with DEP's recommendation to present the proposal to the Board for consideration.

The proposal rulemaking was presented to the Small Business Compliance Advisory Committee on July 24, 2013. The committee concurred with the DEP's recommendation to present the proposal to the Board.

Recommended Public Participation Process

The Department recommends a 60-day public comment period and three public hearings on the proposed rulemaking.

If adopted as a final-form rulemaking, the RACT amendments will be submitted to EPA for approval as a revision to the State Implementation Plan.



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