

PROPOSED RULEMAKING
Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES
CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

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CEMS—*Continuous emissions monitoring system*—**[For purposes of Chapter 127, Subchapter E, all] All** of the equipment that may be required to meet the data acquisition and availability requirements **[of Chapter 127, Subchapter E] established under the act or Clean Air Act to monitor, measure, calculate,** sample, condition, analyze and provide a **permanent** record of emissions **from an affected unit** on a continuous basis.

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Process heater—

(i) An enclosed device using controlled flame, that is not a boiler, the primary purpose of which is to transfer heat to a process material or to a heat transfer material for use in a process unit.

(ii) The term does not include an enclosed device that meets either of the following circumstances:

(A) Has the primary purpose of generating steam.

(B) In which the material being heated is in direct contact with the products of combustion, including:

(I) A furnace.

(II) A kiln.

(III) An unfired waste heat recovery heater.

(IV) A unit used for comfort heat, space heat or food preparation for onsite consumption.

(V) An autoclave.

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Stationary internal combustion engine—[For purposes of § 129.203 (relating to stationary internal combustion engines), an] **An** internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one location to another and is not a mobile air contamination source.

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CHAPTER 129. STANDARDS FOR SOURCES

ADDITIONAL RACT REQUIREMENTS FOR MAJOR SOURCES OF NO_x AND VOCs

(*Editor's Note:* Sections 129.96—129.100 are new and printed in regular type to enhance readability.)

§ 129.96. Applicability.

(a) This section and §§ 129.97—129.100 apply statewide to the owner and operator of a major NO_x emitting facility or a major VOC emitting facility, or both, that was in existence on or before July 20, 2012, for which a requirement or emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

(b) This section and §§ 129.97—129.100 apply statewide to the owner and operator of a NO_x emitting facility or VOC emitting facility, or both, when the installation of a new source or a modification or change in operation of an existing source after July 20, 2012, results in the source or facility meeting the definition of a major NO_x emitting facility or a major VOC emitting facility and for which a requirement or an emission limitation, or both, has not been established in §§ 129.51—129.52c, 129.54—129.69, 129.71—129.73, 129.75, 129.77, 129.101—129.107 and 129.301—129.310.

§ 129.97. Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule.

(a) The owner and operator of a source listed in one or more of subsections (b)—(h) located at a major NO_x emitting facility or major VOC emitting facility, or both, subject to § 129.96 (relating to applicability), shall comply with the applicable presumptive RACT requirement or RACT emission limitation, or both, beginning with the specified compliance date as follows, unless an alternative compliance schedule is submitted and approved under subsections (k)—(m) or under § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule).

(1) _____ (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.), for a source subject to § 129.96(a).

(2) _____ (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.), or 1 year after the date that the source meets the

definition of a major NO_x emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(b) The owner and operator of a source listed in this subsection located at a major NO_x emitting facility or major VOC emitting facility, or both, subject to § 129.96 (relating to applicability) shall comply with the following:

(1) Except as specified in paragraph (2), the presumptive RACT requirement for a combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour, which is the performance of an annual adjustment to or tune-up of the combustion process. The adjustment must include, at a minimum, the following:

(i) Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

(ii) Inspection and adjustment of the flame pattern or characteristics necessary to minimize total emissions of NO_x, and to the extent possible, emissions of CO.

(iii) Inspection and adjustment of the air-to-fuel ratio control system necessary to ensure proper calibration and operation as specified by the manufacturer.

(2) The presumptive RACT requirement for an oil-, gas- or combination oil and gas-fired combustion unit with a rated heat input equal to or greater than 20 million Btu/hour and less than 50 million Btu/hour, which is the performance of all adjustments consistent with the EPA document "Combustion Efficiency Optimization Manual for Operators of Oil and Gas-fired Boilers (EPA-340/1-83-023)," September 1983 or as amended.

(3) The applicable recordkeeping requirements of § 129.100(d) (relating to compliance demonstration and recordkeeping requirements) or § 129.100(e).

(c) The owner and operator of a source listed in this subsection located at a major NO_x emitting facility or major VOC emitting facility, or both, subject to § 129.96 shall comply with the following presumptive RACT requirement, which is the installation, maintenance and operation of the source in accordance with the manufacturer's specifications and good engineering practices:

(1) A boiler or other combustion source with an individual rated gross heat input less than 20 million Btu/hour.

(2) A combustion turbine with a rated output less than 1000 bhp.

(3) An internal combustion engine rated at less than 500 bhp (gross).

(4) An incinerator, thermal oxidizer or catalytic oxidizer used primarily for air pollution control.

(5) A unit of fuel-burning equipment, a gas turbine or an internal combustion engine with an annual capacity factor of less than 5%.

(6) An emergency standby engine operating less than 500 hours in a 12-month rolling period.

(d) The owner and operator of a combustion unit or other combustion source located at a major VOC emitting facility subject to § 129.96 shall comply with the presumptive RACT requirement of good engineering practices for the control of the VOC emissions from the combustion unit or other combustion source.

(e) The owner and operator of a municipal solid waste landfill subject to § 129.96 shall comply with the following applicable presumptive RACT requirement:

(1) For a municipal solid waste landfill constructed on or before May 30, 1991, emission guidelines and compliance times codified at 40 CFR Part 60, Subpart Cc (relating to emission guidelines and compliance times for municipal solid waste landfills), which are adopted and incorporated by reference in their entirety in § 122.3 (relating to adoption of standards), and applicable Federal or state plans codified in 40 CFR Part 62 (relating to approval and promulgation of state plans for designated facilities and pollutants).

(2) For a municipal solid waste landfill constructed after May 30, 1991, new source performance standards codified at 40 CFR Part 60, Subpart WWW (relating to standards of performance for municipal solid waste landfills), which are adopted and incorporated by reference in their entirety in § 122.3.

(f) The owner and operator of a municipal waste combustor subject to § 129.96 shall comply with the following applicable presumptive RACT requirement:

(1) For a municipal waste combustor constructed on or before September 20, 1994, the emission guidelines and compliance times codified at 40 CFR Part 60, Subpart Cb (relating to emissions guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994), which are adopted and incorporated by reference in their entirety in § 122.3, and applicable Federal or state plans codified in 40 CFR Part 62.

(2) For a municipal waste combustor constructed after September 20, 1994, or for a municipal waste combustor that commenced a modification or reconstruction after June 19, 1996, the new source performance standards codified at 40 CFR Part 60, Subpart Eb (relating to standards of performance for large municipal waste combustors for which construction is commenced after September 20, 1994, or for which modification or reconstruction is commenced after June 19, 1996), which are adopted and incorporated by reference in their entirety in § 122.3.

(g) The owner and operator of a NO_x air contamination source listed in this subsection located at a major NO_x emitting facility or a VOC air contamination source listed in this subsection located at a major VOC emitting facility, or both, subject to § 129.96 may not cause, allow or permit NO_x or VOCs, or both, to be emitted from the air contamination source for which the source is major in excess of the applicable RACT emission limitation:

(1) A combustion unit or process heater:

(i) For a natural gas-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.08 lb NO_x/million Btu heat input.

(ii) For a distillate oil-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.12 lb NO_x/million Btu heat input.

(iii) For a residual oil-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.20 lb NO_x/million Btu heat input.

(iv) For a refinery gas-fired combustion unit or process heater with a rated heat input equal to or greater than 50 million Btu/hour, 0.25 lb NO_x/million Btu heat input.

(v) For a coal-fired combustion unit with a rated heat input equal to or greater than 50 million Btu/hour and less than 250 million Btu/hour, 0.45 lb NO_x/million Btu heat input.

(vi) For a coal-fired combustion unit with a rated heat input equal to or greater than 250 million Btu/hour that is:

(A) A circulating fluidized bed combustion unit, 0.20 lb NO_x/million Btu heat input.

(B) A tangentially fired combustion unit, 0.35 lb NO_x/million Btu heat input.

(C) Another combustion unit, 0.40 lb NO_x/million Btu heat input.

(2) A combustion turbine:

(i) For a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 1000 bhp and less than 180 MW when firing:

(A) Natural gas or a noncommercial gaseous fuel, 42 ppmvd NO_x @ 15% oxygen.

(B) Fuel oil, 75 ppmvd NO_x @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 2 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 2 ppmvd VOC (as propane) @ 15% oxygen.

(ii) For a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 180 MW when firing:

(A) Natural gas or a noncommercial gaseous fuel, 4 ppmvd NO_x @ 15% oxygen.

(B) Fuel oil, 8 ppmvd NO_x @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 2 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 2 ppmvd VOC (as propane) @ 15% oxygen.

(iii) For a simple cycle or regenerative cycle combustion turbine with a rated output equal to or greater than 1000 bhp when firing:

(A) Natural gas or a noncommercial gaseous fuel, 42 ppmvd NO_x @ 15% oxygen.

(B) Fuel oil, 75 ppmvd NO_x @ 15% oxygen.

(C) Natural gas or a noncommercial gaseous fuel, 9 ppmvd VOC (as propane) @ 15% oxygen.

(D) Fuel oil, 9 ppmvd VOC (as propane) @ 15% oxygen.

(3) A stationary internal combustion engine:

(i) For a lean burn stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with:

(A) Natural gas, 3.0 grams NO_x/bhp-hr.

(B) Natural gas, liquid fuel or dual-fuel, 0.4 gram VOC/bhp-hr.

(ii) For a stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with liquid fuel or dual-fuel, 8.0 grams NO_x/bhp-hr.

(iii) For a rich burn stationary internal combustion engine with a rating equal to or greater than 500 bhp fired with:

(A) Natural gas, 2.0 grams NO_x/bhp-hr.

(B) Natural gas, 1.0 gram VOC/bhp-hr.

(4) A unit firing multiple fuels simultaneously:

(i) The applicable RACT multiple fuel emission limit shall be determined on a total heat input fuel weighted basis using the following equation:

$$E_{\text{HIweighted}} = \frac{\sum_{i=1}^n E_i \text{HI}_i}{\sum_{i=1}^n \text{HI}_i}$$

where:

$E_{HI\text{weighted}}$ = The heat input fuel weighted multiple fuel emission rate or emission limitation for the compliance period, expressed in units of measure consistent with the units of measure for the emission limitation.

E_i = The emission rate or emission limit for fuel i during the compliance period, expressed in units of measure consistent with the units of measure for the emission limitation.

HI_i = The total heat input for fuel i during the compliance period.

n = The number of different fuels used during the compliance period.

(ii) A fuel representing less than 1% of the unit's annual fuel consumption on a heat input basis shall be excluded in determining the applicable RACT multiple fuel emission limit calculated in accordance with subparagraph (i).

(iii) The determination in subparagraph (i) shall not apply to a stationary internal combustion engine that is subject to the RACT emission limits in paragraph (3).

(h) The owner and operator of a Portland cement kiln subject to § 129.96 shall comply with the following applicable presumptive RACT emission limitation:

(1) 3.88 pounds of NO_x per ton of clinker produced for a long wet-process cement kiln as defined in § 145.142 (relating to definitions).

(2) 3.44 pounds of NO_x per ton of clinker produced for a long dry-process cement kiln as defined in § 145.142.

(3) 2.36 pounds of NO_x per ton of clinker produced for:

(i) A preheater cement kiln as defined in § 145.142.

(ii) A precalciner cement kiln as defined in § 145.142.

(i) The requirements and emission limitations of this section supersede the requirements and emission limitations of a RACT permit issued to the owner or operator of an air contamination source subject to one or more of subsections (b)—(h) prior to _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), under §§ 129.91—129.95 (relating to stationary sources of NO_x and VOCs) to control, reduce or minimize NO_x emissions or VOC emissions, or both, from the air contamination source except to the extent the RACT permit contains more stringent requirements or emission limitations, or both.

(j) The requirements and emission limitations of this section do not supersede the requirements and emission limitations of §§ 129.201—129.205, 145.111—145.113 and 145.141—145.146 (relating to additional NO_x requirements; emissions of NO_x from stationary internal combustion

engines; and emissions of NO_x from cement manufacturing) except to the extent this section contains more stringent requirements or emission limitations, or both, for the owner or operator of a major NO_x emitting facility subject to § 129.96 to control, reduce or minimize NO_x emissions from an air contamination source subject to §§ 129.201—129.205, §§ 145.111—145.113 or §§ 145.141—145.146.

(k) The owner or operator of a major NO_x emitting facility or a major VOC emitting facility, or both, subject to § 129.96 that includes an air contamination source subject to one or more of subsections (b)—(h) that cannot meet the applicable RACT requirement or RACT emission limitation without installation of an air cleaning device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with the following:

(1) The written petition must be submitted to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) _____ (*Editor's Note: The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.*), for a source subject to § 129.96(a).

(ii) _____ (*Editor's Note: The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.*), or 6 months after the date that the source meets the definition of a major NO_x emitting facility, whichever is later, for a source subject to § 129.96(b).

(2) The written petition must include the following information:

(i) A description, including make, model and location, of each affected source subject to a RACT requirement or a RACT emission limitation in one or more of subsections (b)—(h).

(ii) A description of the proposed air cleaning device to be installed.

(iii) A schedule containing proposed interim dates for completing each phase of the required work to install the air cleaning device described in subparagraph (ii).

(iv) A proposed interim emission limitation that will be imposed on the affected source until compliance is achieved with the applicable RACT requirement or RACT emission limitation.

(v) A proposed final compliance date that is as soon as possible but not later than _____ (*Editor's Note: The blank refers to the date 3 years after the effective date of adoption of this proposed rulemaking.*).

(l) The Department or appropriate approved local air pollution control agency will review the timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (k) and approve or deny the petition in writing.

(m) Approval or denial under subsection (l) of the timely and complete petition for an alternative compliance schedule submitted under subsection (k) will be effective on the date the

letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency.

§ 129.98. Facility-wide or system-wide NO_x emissions averaging RACT operating permit modification general requirements.

(a) The owner or operator of a major NO_x emitting facility subject to § 129.96 (relating to applicability) that includes an air contamination source subject to a NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) that cannot meet the applicable NO_x RACT requirement or NO_x RACT emission limitation may elect to meet the applicable NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 by averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average. System-wide emissions averaging must be among sources under common control of the same owner or operator in this Commonwealth.

(b) The owner or operator of each facility that elects to comply with subsection (a) shall submit an operating permit modification that incorporates the requirements of this section for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average to the Department or appropriate approved local air pollution control agency by the applicable date as follows:

(1) _____ (*Editor's Note: The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.*), for a source subject to § 129.96(a).

(2) _____ (*Editor's Note: The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.*), or 6 months after the date that the source meets the definition of a major NO_x emitting facility, whichever is later, for a source subject to § 129.96(b).

(c) Each NO_x emitting source included in the operating permit modification for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must be an air contamination source subject to a NO_x RACT emission limitation in § 129.97.

(d) The operating permit modification for averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must demonstrate that the aggregate NO_x emissions emitted by the air contamination sources included in the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification using a 30-day rolling average are not greater than 90% of the sum of the NO_x emissions that would be emitted by the group of included sources if each source complied with the applicable NO_x RACT requirement or NO_x RACT emission limitation in § 129.97 on a source-specific basis.

(e) The owner or operator shall calculate the alternative facility-wide or system-wide NO_x RACT emissions limitation using a 30-day rolling average for the air contamination sources

included in the operating permit modification submitted under subsection (b) by using the following equation to sum the emissions for all of the sources included in the operating permit modification:

$$[\sum_{i=1}^n Ri_{\text{actual}} * H_i] \leq [\sum_{i=1}^n Ri_{\text{allowable}} * H_i] * 0.9$$

Where:

Ri_{actual} = The daily actual NO_x emission rate for air contamination source i, lb/mmBtu, using a 30-day rolling average.

$Ri_{\text{allowable}}$ = The applicable NO_x emission rate limitation for air contamination source i, lb/mmBtu, specified in § 129.97.

H_i = The daily actual heat input for air contamination source i, mmBtu, using a 30-day rolling average.

n = The number of air contamination sources included in the operating permit modification.

0.9 = The 90% limit specified under subsection (d).

(f) The operating permit modification specified in subsections (b)—(e) may include facility-wide or system-wide averaging emissions using a 30-day rolling average only for NO_x emitting sources or NO_x emitting facilities that are owned or operated, or both, by the applicant.

(g) The operating permit modification specified in subsections (b)—(f) must include the following information:

(1) Identification of each air contamination source included in the NO_x emissions averaging RACT operating permit modification.

(2) Each air contamination source's applicable emission limitation in § 129.97.

(3) Methods for demonstrating compliance and recordkeeping and reporting requirements in accordance with § 129.100 (relating to compliance demonstration and recordkeeping requirements) for each source included in the NO_x emissions averaging RACT operating permit modification submitted under subsection (b).

(h) An air contamination source or facility, or both, included in the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted in accordance with subsections (b)—(g) may be included in only one facility-wide or system-wide NO_x emissions averaging RACT proposal.

(i) The Department or appropriate approved local air pollution control agency will issue a modification to the operating permit.

(j) The owner or operator of an air contamination source or facility, or both, included in the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted in accordance with subsections (b)—(h) shall submit the reports and records specified in subsection (g)(3) to the Department or appropriate approved local air pollution control agency on the schedule specified in subsection (g)(3) to demonstrate compliance with § 129.100.

(k) The owner or operator of an air contamination source or facility, or both, included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted in accordance with subsections (b)—(h) that achieves emission reductions in accordance with other emission limitations required under the act or the Clean Air Act, or regulations adopted under the act or the Clean Air Act, that are not NO_x RACT emission limitations may not substitute those emission reductions for the emission reductions required by the facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted to the Department or appropriate approved local air pollution control agency under subsection (b).

(l) The owner or operator of an air contamination source subject to a NO_x emission limitation in § 129.97 that is not included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted under subsection (b) shall operate the source in compliance with the applicable NO_x emission limitation in § 129.97.

(m) The owner and operator of an air contamination source included in a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification submitted under subsection (b) shall be liable for a violation of the operating permit modification or this section at that source or other source in the operating permit modification.

§ 129.99. Alternative RACT proposal and petition for alternative compliance schedule.

(a) The owner or operator of an air contamination source subject to § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) located at a major NO_x emitting facility or major VOC emitting facility, or both, subject to § 129.96 (relating to applicability) that cannot meet the applicable presumptive RACT requirement or RACT emission limitation of § 129.97 or participate in either a facility-wide or system-wide NO_x emissions averaging RACT operating permit modification under § 129.98 (relating to facility-wide or system-wide NO_x emissions averaging RACT operating permit modification general requirements) may propose an alternative NO_x RACT emission limitation or VOC RACT emission limitation, or both, in accordance with subsection (d).

(b) The owner or operator of a NO_x air contamination source with a potential emission rate equal to or greater than 5.0 tons of NO_x per year that is not subject to § 129.97 or §§ 129.201—129.205 (relating to additional NO_x requirements) located at a major NO_x emitting facility subject to § 129.96 shall propose a NO_x RACT emission limitation in accordance with subsection (d).

(c) The owner or operator of a VOC air contamination source with a potential emission rate equal to or greater than 2.7 tons of VOC per year that is not subject to § 129.97 located at a

major VOC emitting facility subject to § 129.96 shall propose a VOC RACT emission limitation in accordance with subsection (d).

(d) The owner or operator proposing an alternative RACT emission limitation under subsection (a), (b) or (c) shall comply with the following:

(1) Submit a written RACT proposal in accordance with the procedures in § 129.92(a)(1)—(5), (7)—(10) and (b) (relating to RACT proposal requirements) to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) _____ (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.), for a source subject to § 129.96(a).

(ii) _____ (*Editor's Note:* The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.), or 6 months after the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(2) Be in receipt of an approval issued by the Department or appropriate approved local air pollution control agency in writing through a plan approval or operating permit modification for a RACT proposal submitted under paragraph (1)(ii) prior to the installation, modification or change in the operation of the existing air contamination source that will result in the source or facility meeting the definition of a major NO_x emitting facility or major VOC emitting facility, or both.

(3) Include in the RACT proposal the proposed alternative NO_x RACT emission limitation or VOC RACT emission limitation developed in accordance with the procedures in § 129.92(a)(1)—(5) and (b).

(4) Include in the RACT proposal a schedule for completing implementation of the RACT emission limitation as soon as possible but not later than:

(i) _____ (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.), for a source subject to § 129.96(a).

(ii) _____ (*Editor's Note:* The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.), or 1 year after the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(5) Include interim dates in the schedule required under paragraph (4) for the following:

(i) Issuance of purchase orders.

(ii) Start and completion of process, technology and control technology changes.

(iii) Completion of compliance testing.

(6) Include in the RACT proposal methods for demonstrating compliance and recordkeeping and reporting requirements in accordance with § 129.100 (relating to compliance demonstration and recordkeeping requirements) for each air contamination source included in the RACT proposal.

(7) Demonstrate to the satisfaction of the Department or the appropriate approved local air pollution control agency that the proposed emission limitation is RACT for the air contamination source.

(e) The Department or appropriate approved local air pollution control agency will:

(1) Review the timely and complete alternative RACT proposal submitted in accordance with subsection (d).

(2) Approve the alternative RACT proposal submitted under subsection (d), in writing, if the Department or appropriate approved local air pollution control agency is satisfied that the alternative RACT proposal complies with the requirements of subsection (d) and that the proposed alternative emission limitation is RACT for the air contamination source.

(3) Deny or modify the alternative RACT proposal submitted under subsection (d), in writing, if the proposal does not comply with the requirements of subsection (d).

(f) The proposed alternative RACT emission limitation and the implementation schedule submitted under subsection (d) must be approved, denied or modified by the Department or appropriate approved local air pollution control agency in accordance with subsection (e) in writing through the issuance of a plan approval or operating permit modification prior to the owner or operator implementing the alternative RACT emission limitation.

(g) The emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f), except to the extent the existing plan approval or operating permit contains more stringent requirements.

(h) The Department will submit each alternative RACT emission limitation approved under subsection (f) to the Administrator of the EPA for approval as a revision to the SIP. The owner and operator of the facility shall bear the costs of public hearings and notification required for EPA SIP approval.

(i) The owner and operator of a facility proposing to comply with the applicable RACT emission limitation under subsection (a), (b) or (c) through the installation of an air cleaning

device may submit a petition, in writing, requesting an alternative compliance schedule in accordance with the following:

(1) The written petition requesting an alternative compliance schedule shall be submitted to the Department or appropriate approved local air pollution control agency as soon as possible but not later than:

(i) _____ (*Editor's Note: The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.*), for a source subject to § 129.96(a).

(ii) _____ (*Editor's Note: The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.*), or 6 months after the date that the source meets the definition of a major NO_x emitting facility, whichever is later, for a source subject to § 129.96(b).

(2) The written petition must include the following information:

(i) A description, including make, model and location, of each air contamination source subject to a RACT requirement or a RACT emission limitation in one or more of subsections (a)—(c).

(ii) A description of the proposed air cleaning device to be installed.

(iii) A schedule containing proposed interim dates for completing each phase of the required work to install the air cleaning device described in subparagraph (ii).

(iv) A proposed interim emission limitation that will be imposed on the affected air contamination source until compliance is achieved with the applicable RACT requirement or RACT emission limitation.

(v) A proposed final compliance date that is as soon as possible but not later than _____ (*Editor's Note: The blank refers to the date 3 years after the effective date of adoption of this proposed rulemaking.*).

(j) The Department or appropriate approved local air pollution control agency will review the timely and complete written petition requesting an alternative compliance schedule submitted in accordance with subsection (h) and approve or deny the petition in writing.

(k) The emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (j), except to the extent the existing plan approval or operating permit contains more stringent requirements.

(l) Approval or denial under subsection (j) of the timely and complete petition for an alternative compliance schedule submitted under subsection (i) will be effective on the date the letter of approval or denial of the petition is signed by the authorized representative of the Department or appropriate approved local air pollution control agency.

§ 129.100. Compliance demonstration and recordkeeping requirements.

(a) Except as provided in subsection (c), the owner and operator of an air contamination source subject to a NO_x emission limitation or VOC emission limitation, or both, listed in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation by performing the following monitoring or testing procedures:

(1) For an air contamination source with a CEMS, monitoring and testing in accordance with the requirements of Chapter 139 (relating to sampling and testing), Subchapter C (relating to requirements for source monitoring for stationary sources) using a 30-day rolling average.

(2) For an air contamination source without a CEMS, monitoring and testing in accordance with a Department-approved emissions source test that meets the requirements of Chapter 139, Subchapter A (relating to sampling and testing methods and procedures).

(b) The owner and operator of an air contamination source subject to subsection (a) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation in accordance with the procedures in subsection (a) not later than:

(1) _____ (*Editor's Note: The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.*), for a source subject to § 129.96(a).

(2) _____ (*Editor's Note: The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking.*), or 1 year after the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(c) An owner or operator of an air contamination source subject to this section and §§ 129.96—129.98 may request a waiver from the requirement to demonstrate compliance with the applicable emission limitation listed in § 129.97 if the following requirements are met:

(1) The request for a waiver is submitted, in writing, to the Department not later than:

(i) _____ (*Editor's Note: The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.*), for a source subject to § 129.96(a).

(ii) _____ (*Editor's Note: The blank refers to the date 6 months after the effective date of adoption of this proposed rulemaking.*), or 6 months after the date that the source meets the

definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(2) The request for a waiver demonstrates that a Department-approved emissions source test was performed in accordance with the requirements of Chapter 139, Subchapter A, on or after:

(i) _____ (*Editor's Note:* The blank refers to the date within 12 months prior to the effective date of adoption of this proposed rulemaking.), for a source subject to § 129.96(a).

(ii) _____ (*Editor's Note:* The blank refers to the date within 12 months prior to the effective date of adoption of this proposed rulemaking.), or within 12 months prior to the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, or both, whichever is later, for a source subject to § 129.96(b).

(3) The request for a waiver demonstrates to the satisfaction of the Department that the test results show that the source's rate of emissions is in compliance with the source's applicable NO_x emission limitation or VOC emission limitation, or both.

(4) The Department approves, in writing, the request for a waiver.

(d) The owner and operator of an air contamination source subject to this section and §§ 129.96—129.99 shall keep records to demonstrate compliance with §§ 129.96—129.99 in the following manner:

(1) The records shall include sufficient data and calculations to demonstrate that the requirements of §§ 129.96—129.99 are met.

(2) Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.

(3) The records shall be retained for 5 years and made available to the Department or appropriate approved local air pollution control agency upon written request.

(e) The owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable NO_x emission rate threshold specified in § 129.99(b) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold.

(f) The owner or operator of an air contamination source claiming that the air contamination source is exempt from the applicable VOC emission rate threshold specified in § 129.99(c) and the requirements of § 129.97 based on the air contamination source's potential to emit shall maintain records that demonstrate to the Department or appropriate approved local air pollution control agency that the air contamination source is not subject to the specified emission rate threshold.

(g) The owner or operator of a combustion unit subject to § 129.97(b)(1) shall record each adjustment conducted under the procedures in § 129.97(b)(1) in a permanently bound log book or other method approved by the Department or appropriate approved local air pollution control agency. This log book must contain, at a minimum, the following information:

- (1) The date of the tuning procedure.
- (2) The name of the service company and the technician performing the procedure.
- (3) The final operating rate or load.
- (4) The final NO_x and CO emission rates.
- (5) The final excess oxygen rate.
- (6) Other information required by the applicable operating permit.

(h) The owner or operator of an oil-, gas- or combination oil and gas-fired unit subject to § 129.97(b)(2) shall maintain records including a certification from the fuel supplier of the type of fuel. For each shipment of residual oil, the record shall include:

- (1) A certification of the nitrogen content of the fuel.
- (2) Identification of the sampling method and sampling protocol used to determine the nitrogen content of the fuel.

(i) The owner or operator of a Portland cement kiln subject to § 129.97(h) shall maintain a daily operating log for each Portland cement kiln. The record for each kiln shall include:

- (1) Total hours of operation.
- (2) The type and quantity of fuel used.
- (3) The quantity of clinker produced.
- (4) The date, time and duration of a start-up, shutdown or malfunction of a Portland cement kiln or emissions monitoring system.