

Executive Summary
Amendments to 25 Pa. Code Chapters 121 and 129
Additional RACT Requirements for Major Sources of NO_x and VOCs

The Department of Environmental Protection (Department) recommends proposed amendments to Chapters 121 and 129 (relating to general provisions; and standards for sources) for consideration by the Environmental Quality Board (Board).

Purpose of the Proposed Rulemaking

The proposed rulemaking is mandated by Federal law or regulation. Section 109(b) of the CAA (42 U.S.C.A. § 7409(b)) provides that the Administrator of the EPA must establish National Ambient Air Quality Standards (NAAQS) for criteria air pollutants at levels that protect public health and the environment. The EPA set the ground-level ozone NAAQS in July 1997 at 0.08 part per million (ppm) averaged over 8 hours and lowered it in March 2008 to 0.075 ppm. See 62 FR 38855 (July 18, 1997) and 73 FR 16436 (March 27, 2008). The EPA designated areas of Pennsylvania as non-attainment for the ozone NAAQS. Based on these designations and because Pennsylvania is in the Ozone Transport Region, the Commonwealth is required to implement reasonably available control technology (RACT) requirements statewide for major stationary sources of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) as part of a Federally-approvable State Implementation Plan (SIP) for the 1997 and 2008 8-hour ozone NAAQS.

The proposed rulemaking would amend Chapter 129 to adopt presumptive RACT requirements and RACT emission limitations for certain major stationary sources of NO_x and VOC emissions including combustion units, boilers, process heaters, turbines, engines, municipal solid waste landfills and municipal waste combustors.

The proposed rulemaking is reasonably necessary to attain and maintain the 8-hour ozone NAAQS in the nonattainment areas.

The final rulemaking, if published as a final-form regulation in the *Pennsylvania Bulletin*, will be submitted to the EPA as a revision to the SIP.

Summary of the Proposed Rulemaking

The proposed rulemaking would add or amend the terms: “CEMS—continuous emissions monitoring system,” “process heater” and “stationary internal combustion engine” to § 121.1 (relating to definitions).

The proposed rulemaking would add § 129.96 (relating to applicability) to establish applicability requirements for the owners and operators of major NO_x emitting or major VOC emitting facilities, or both, for which no RACT requirements have otherwise been established.

The proposed rulemaking would add § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) to establish that the

owners and operators of major NO_x emitting or VOC emitting facilities, or both, shall comply with the specified presumptive RACT requirement and RACT emission limitations, and provide a mechanism for requesting an alternative compliance schedule.

The proposed rulemaking would add § 129.98 (relating to facility-wide or system-wide NO_x emissions averaging RACT operating permit modification general requirements) to establish an alternative mechanism to show compliance when a major NO_x emitting facility or major VOC emitting facility, or both, is unable to meet the applicable RACT emission limitation.

The proposed rulemaking would add § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule) to establish that the owner and operator of an air contamination source subject to a NO_x emission limitation or VOC emission limitation, or both, unable to meet the provisions listed in §§ 129.97 and 129.98 may propose an alternative NO_x emission limitation or VOC emission limitation, or both.

The proposed rulemaking would add § 129.100 (relating to compliance demonstration and recordkeeping requirements) to establish recordkeeping requirements for the owner and operator of an air contamination source subject to this proposed rulemaking.

Affected Parties

Proposed §§ 129.96—129.100 would 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, and when the installation of a new source, 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, or both. The Department expects that the negative impact on small businesses would be minimal. In those cases where a small business is not able to comply with the specified presumptive RACT requirements, the owner and operator may submit a request to meet emission limitations by facility-wide or system-wide averaging protocol, or may submit a request for an alternative case-specific emission limitation. The flexibility afforded all businesses, including small businesses, in the proposed rulemaking ensures minimal negative effect on their operations.

Advisory Groups

The Department discussed the draft proposed rulemaking with the Air Quality Technical Advisory Committee (AQTAC) at its February 14, 2013, meeting. AQTAC voted 13-3-1 to concur with the Department's recommendation that the draft proposed rulemaking be forwarded to the Board for consideration. The draft proposed rulemaking was discussed with the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee (Committee) on February 6, 2013. On the recommendation of the Committee, the CAC voted on February 9, 2013, to concur with the Department's recommendation to forward the proposed rulemaking to the Board for consideration. The draft proposed rulemaking was discussed with the Small Business Compliance Advisory Committee (SBCAC) on July 24, 2013. The SBCAC voted 8-0-0 to concur with the Department's recommendation to forward the proposed rulemaking to the Board for consideration.

Public Comments and Board Hearings

The Department recommends a 60-day public comment period on the proposed rulemaking and three public hearings in Norristown, Harrisburg and Pittsburgh.