PROPOSED RULEMAKING
ENVIRONMENTAL QUALITY BOARD

[25 PA CODE CHS. 121 and 129]

VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coatings, Large Petroleum Dry Cleaning Facilities and Synthetic Organic Chemical Manufacturing Industry Processes for the 2015 Ozone NAAQS

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) to establish presumptive volatile organic compound (VOC) reasonably available control technology (RACT) requirements and RACT emission limitations for the following control techniques guidelines (CTG) source categories: shipbuilding and ship repair surface coatings; large petroleum dry cleaning facilities; and synthetic organic chemical manufacturing industry (SOCMI) air oxidation, distillation and reactor processes as set forth in Annex A. This proposed rulemaking would add definitions to § 121.1 (relating to definitions); add shipbuilding and ship repair surface coatings to § 129.52 (relating to surface coating processes); and add §§ 129.63b and 129.71a (relating to control of VOC emissions from large petroleum dry cleaning facilities; and control of VOC emissions from the synthetic organic chemical manufacturing industry — air oxidation, distillation and reactor processes).

If published as a final-form rulemaking in the *Pennsylvania Bulletin*, this proposed rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP).

This proposed rulemaking was adopted by the Board at its meeting of _____, 2021.

A. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Jesse Walker, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board").

C. *Statutory Authority*

This proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth; and section 5(a)(8) of the APCA, which grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. *Background and Purpose*

The purpose of this proposed rulemaking is to implement measures to control VOC emissions Statewide from shipbuilding and ship repair facilities with surface coating operations, large petroleum dry cleaning facilities and SOCMI air oxidation, distillation and reactor processes. VOC emissions are precursors to ground-level ozone formation. Ground-level ozone, a public health and welfare hazard, is not emitted directly to the atmosphere by these processes, but forms from the photochemical reaction between emissions of VOCs and oxides of nitrogen (NO_X) in the presence of sunlight.

Ground-level ozone is a highly reactive gas, which at sufficiently high concentrations can produce a wide variety of harmful effects. At elevated concentrations, ground-level ozone can adversely affect human health, animal health, vegetation, materials, and personal comfort and well-being. It can cause damage to important food crops, forests, livestock and wildlife. Repeated exposure to ground-level ozone pollution may cause a variety of adverse health effects for both healthy people and those with existing conditions, including difficulty in breathing, chest pains, coughing, nausea, throat irritation and congestion. It can worsen bronchitis, heart disease, emphysema and asthma, reduce lung capacity and lead to increased morbidity. Asthma is a significant and growing threat to children and adults. High levels of ground-level ozone can affect animals in ways similarly to humans. High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of these control measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare and the environment.

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS), or maximum allowable concentrations in the ambient air, for certain "criteria" pollutants considered harmful to public health and the environment. The criteria air pollutants are commonly found throughout the United States and currently include six air pollutants: ground-level ozone; particle pollution (often referred to as particulate matter); NO_X (with nitrogen dioxide (NO_2) as the indicator); carbon monoxide; sulfur dioxide; and lead. Section 109 of the CAA (42 U.S.C.A. § 7409) established two types of NAAQS: primary standards, which are limits set to protect public health; and secondary standards, which are limits set to protect public welfare and the environment, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ground-level ozone NAAQS to protect public health and public welfare, including the environment.

In July 1997, the EPA promulgated primary and secondary ozone standards under section 109 of the CAA at a level of 0.08 parts per million (ppm) averaged over 8 hours. See 62 FR 38856 (July 18, 1997). Because ozone ambient air monitoring data is measured out to three decimal places, the standard effectively became 0.084 ppm with rounding; areas with ozone levels as high as 0.084 ppm (84 parts per billion (ppb)) were considered to be meeting the 0.08 ppm standard. In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. See 69 FR 23858, 23931 (April 30, 2004).

In March 2008, the EPA lowered the primary and secondary ozone NAAQS to 0.075 ppm (75 ppb) averaged over 8 hours to provide greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in this Commonwealth as nonattainment for the 2008 ozone NAAQS. See 77 FR 30088, 30143 (May 21, 2012). These areas include all or a portion of Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties.

On October 1, 2015, the EPA lowered the primary and secondary ozone NAAQS to 0.070 ppm (70 ppb) averaged over 8 hours for increased protection of the public health and welfare. See 80 FR 65292 (October 26, 2015). In June 2018, the EPA designated Bucks, Chester, Delaware, Montgomery and Philadelphia Counties as nonattainment for the 2015 ozone NAAQS. See 83 FR 25776 (June 4, 2018).

The Department's preliminary analysis of the 2020 ambient air ozone season monitoring data shows that all ozone samplers in this Commonwealth are monitoring attainment of the 2015 8-hour ozone NAAQS except three: the Bristol sampler in Bucks County, and the Philadelphia Air Management Services Northeast Airport and Northeast Waste samplers in Philadelphia County. All ozone samplers in this Commonwealth are projected to monitor attainment of the 2008 and 1997 8-hour ozone NAAQS. The Department must ensure that the 1997, 2008 and 2015 ozone NAAQS are attained and maintained by implementing permanent and Federally enforceable control measures.

Section 110(a) of the CAA (42 U.S.C.A. § 7410(a)) gives the states the primary responsibility for achieving the NAAQS. Section 110(a) of the CAA provides that each state shall adopt and submit to the EPA a plan to implement measures (a SIP) to enforce the NAAQS or a revision to the NAAQS promulgated under section 109(b) of the CAA. A SIP includes the regulatory programs, actions and commitments a state will carry out to implement its responsibilities under the CAA. Once approved by the EPA as a revision to the SIP, the SIP-approved regulatory program, action or commitment is legally enforceable under both Federal and state law.

Section 172(c)(1) of the CAA (42 U.S.C.A. § 7502(c)(1)) provides that SIPs for nonattainment areas must include "reasonably available control measures," including RACT, for sources of emissions of VOC and NO_X. The EPA defines RACT as "[t]he lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably

available considering technological and economic feasibility." See 44 FR 53762 (September 17, 1979).

Section 183(e) of the CAA (42 U.S.C.A. § 7511b(e)) directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. Section 183(e)(3)(C) of the CAA further provides that the EPA may issue a CTG document in place of a National regulation for a product category on the section 183(e) list when the EPA determines that the recommendations of the CTG, when implemented by the affected states, will be "substantially as effective as regulations" in reducing emissions of VOCs in ozone nonattainment areas.

Section 182(b)(2) of the CAA (42 U.S.C.A. § 7511a(b)(2)) provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued by the EPA prior to the area's date of attainment of the applicable ozone NAAQS. For RACT implementation purposes, the entire Commonwealth is treated as a "moderate" ozone nonattainment area, because this Commonwealth is included in the Ozone Transport Region (OTR) established under sections 176A and 184 of the CAA (42 U.S.C.A. §§ 7506a and 7511c). Section 184(b) of the CAA (42 U.S.C.A. § 7511c(b)) addresses provisions for the SIP of a state included in the OTR. Section 184(b)(1)(B) of the CAA requires that states in the OTR, including the Commonwealth, submit a SIP revision requiring the implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG and not just for those sources that are located in designated nonattainment areas of the state. The EPA's final implementation rule for the 2015 ozone NAAQS also requires a state within the OTR to submit a SIP revision that demonstrates that it is meeting the RACT requirements of section 184(b) of the CAA for all portions of the state located in an OTR. See 83 FR 63036 (December 6, 2018); and 40 CFR 51.1316. Consequently, the Commonwealth's SIP must include regulations applicable Statewide to control VOC emissions from existing stationary sources covered by a specific CTG.

In accordance with sections 172(c)(1), 182(b)(2), 183(e) and 184(b)(1)(B) of the CAA, the proposed amendments to § 129.52 and proposed §§ 129.63b and 129.71a establish VOC RACT emission limitations and other requirements for shipbuilding and ship repair facility surface coating operations, large petroleum dry cleaning facilities and SOCMI air oxidation, distillation and reactor processes consistent with the recommendations of the following EPA documents "Alternative Control Techniques Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities," EPA-453/R-94-032, April 1994, (1994 SB ACT) and the "Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)," 61 FR 44050 (August 27, 1996) (1996 SB CTG); "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners," EPA-450/3-82-009, September 1982 (1982 LPDC CTG); "Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry," EPA-450/3-84-015, December 1984 (1984 SOCMI CTG); and "Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry," EPA-450/4-91-031, August 1993 (1993 SOCMI CTG).

The Commonwealth is required to submit a SIP revision to the EPA to address and certify RACT for the 2015 8-hour ozone NAAQS and demonstrate how it will bring the nonattainment areas into attainment and maintenance of the 2015 8-hour ozone standard.

This proposed rulemaking would apply to the owners and operators of shipbuilding and ship repair facilities with surface coating operations, large petroleum dry cleaning facilities, and SOCMI air oxidation, distillation and reactor facilities. The Department reviewed its databases, permits and general permits and identified two shipbuilding and ship repair operations, one air oxidation operation, several reactors and distillation facilities and several small petroleum dry cleaning facilities that fit the source categories for RACT purposes. There are no large petroleum dry cleaning facilities in this Commonwealth that would be impacted by this proposed rulemaking; small petroleum dry cleaners below the proposed emission limit threshold would only be subject to recordkeeping requirements, which are existing obligations under Federal new source performance standards (NSPS) requirements and permitting regulations. See, 40 CFR Part 60, Subpart JJJ. The owners and operators of the two known shipbuilding and ship repair surface coating operations that would be subject to this rulemaking already meet the proposed CTG RACT requirements through existing permit conditions. Another facility in the City of Philadelphia is already subject to a Philadelphia Air Management Services regulation that has been approved as a revision to the Commonwealth's SIP. All of the SOCMI facilities meet the CTG RACT requirements and limitations through equivalent Federal requirements (40 CFR Part 60, Subparts III, NNN and RRR) or through existing permit conditions. Therefore, all existing facilities in this Commonwealth that would be subject to the proposed rulemaking already comply with the proposed CTG RACT requirements and emission limits.

This proposed rulemaking is reasonably necessary to attain and maintain the health- and welfare-based 8-hour ground-level ozone NAAQS and to satisfy related CAA requirements in this Commonwealth.

Public Outreach

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) and the Small Business Compliance Advisory Committee on this proposed rulemaking on October 15, 2020, and October 28, 2020, respectively. Other than two abstentions in the AQTAC vote, both committees voted unanimously to concur with the Department's recommendation to move this proposed rulemaking forward to the Board for consideration. In addition, this proposed rulemaking was discussed with the Citizens Advisory Council (CAC) Policy and Regulatory Oversight (PRO) Committee on November 9, 2020. On the recommendation of the PRO Committee, on November 17, 2020, the CAC concurred with the Department's recommendation to move this proposed rulemaking forward to the Board.

E. *Summary of Regulatory Requirements*

§ 121.1. Definitions

This proposed rulemaking would amend § 121.1 to add several terms and revise existing definitions to support the proposed amendments under Chapter 129. The proposed revisions to

§ 121.1 would incorporate terms as they are defined in EPA's CTGs or Federal NSPS regulations.

§ 129.52. Surface coating processes

This proposed rulemaking would amend § 129.52 to establish VOC RACT requirements and emission limits for shipbuilding and ship repair facilities with surface coating operations consistent with the EPA's 1996 SB CTG.

This proposed rulemaking would amend subsection (a) to establish that this section applies to a shipbuilding or ship repair facility with a surface coating operation that uses or applies more than 264 gallons of one or a combination of coatings listed in Table I, category 12.

Subsection (c)(1) would be amended to require covered facilities to maintain daily records of volume percent of solids for a Table I surface coating process category 12 coating whose VOC content is expressed in units of weight of VOC per volume of coating solids.

This proposed rulemaking would amend Table I to add compliance requirements and emission limits for the VOC content of surface coatings used at shipbuilding or ship repair facilities with coating operations.

§ 129.63b. Control of VOC emissions from large petroleum dry cleaners

This proposed section would establish applicability requirements for large petroleum dry cleaners, definitions for terms used in this section, VOC emission limitations, compliance monitoring and testing requirements, recordkeeping and reporting requirements and exemptions. The proposed definitions for terms used in this section, VOC RACT requirements, limitations and exemptions for large petroleum dry cleaners are consistent with the EPA's 1982 LPDC CTG.

Subsection (a) proposes to require the owner and operator of a petroleum solvent washer, dryer, solvent filter, settling tank, vacuum still, and other containers and conveyors of petroleum solvent used in petroleum dry cleaning facilities which consume 123,000 liters (32,493 gallons) or more of petroleum solvent annually to control their VOC emissions.

Subsection (b) proposes to define the words and terms used in this section, unless the context clearly indicates otherwise.

Subsection (c) proposes to establish the emission limitations for the owner and operator of a petroleum dry cleaning dryer and associated solvent filtration system. This section would require the owner or operator of a petroleum dry cleaning dryer or associated petroleum solvent filtration system to repair a petroleum solvent vapor or liquid leak within 3 working days after identification of the source of the leak.

Subsection (d) proposes to establish compliance monitoring and testing requirements. These requirements include: (1) calculating VOC emissions using EPA test methods and prescribed

specifications; (2) verifying the flow rate of recovered solvents to determine compliance; (3) determining compliance by following procedures specified in the subsection; and (4) performing weekly inspections to establish compliance with the requirements of the subsection.

Subsection (e) proposes to require the owner or operator of a petroleum dry cleaning facility subject to this section to maintain records sufficient to demonstrate compliance.

Subsection (f) proposes to require the owner or operator of a petroleum dry cleaning facility, who claims an exemption to certain requirements in proposed subsections (c)–(e), to maintain records of annual solvent consumption onsite for 5 years. This proposed recordkeeping requirement would enable the Department to verify that the applicability threshold in subsection (a) has not been exceeded.

§ 129.71a. Control of VOC emissions from the synthetic organic chemical manufacturing industry — air oxidation, distillation and reactor processes

This proposed section would establish applicability requirements for a SOCMI facility and the standards for process vents, air oxidation unit processes, distillation operations and reactor processes. This proposed section would also add a table that lists regulated SOCMI chemicals. The proposed VOC RACT requirements, emission limitations and exemptions in this section for SOCMI facility air oxidation, distillation and reactor processes are consistent with the EPA's 1984 SOCMI CTG and 1993 SOCMI CTG.

Subsection (a) proposes to establish applicability requirements for the owner and operator of a SOCMI facility that has a vent stream originating from a process unit in which an air oxidation unit process, distillation operation or reactor process produces one or more of the chemicals listed in Table 1 as a product, coproduct, byproduct or intermediate.

Subsection (b) proposes to establish VOC control provisions and standards for process vents from air oxidation unit processes, distillation operations and reactor processes for the chemicals listed in Table 1 List of Regulated SOCMI Chemicals.

F. *Benefits, Costs and Compliance*

Benefits

The Statewide implementation of the VOC emission control measures in this proposed rulemaking would benefit the health and welfare of the approximately 12.80 million residents and the numerous animals, crops, vegetation and natural areas of this Commonwealth by controlling emissions of VOCs, which are precursors to the formation of ground-level ozone air pollution. Exposure to high concentrations of ground-level ozone is a serious human and animal health threat, causing respiratory illnesses and decreased lung function, leading to a lower quality of life. Improved ambient concentrations of ground-level ozone would reduce the incidences of hospital admissions for respiratory ailments including asthma and improve the quality of life for citizens overall. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms

when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion.

Improved ambient concentrations of ground-level ozone would also lead to better social well-being through improved growth and yields of agricultural crop and commercial forest products, as well as increased survival of ornamental trees and shrubs used in residential and business-park landscaping. In addition to causing adverse human and animal health effects, the EPA has concluded that high levels of ground-level ozone affects vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests, and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas.

In addition to the emissions benefits, new sources of VOCs for the indicated source categories would not need to have permit requirements incorporated into the Commonwealth's SIP to meet Federal CAA obligations. This will make addressing permit changes and source modifications easier and more efficient.

Compliance costs

The emission limitations established by this proposed rulemaking would not require the submission of applications for amendments to existing operating permits. The two shipbuilding and repair facilities in this Commonwealth already have the requirements incorporated in their permits, there are no large petroleum dry cleaners operating at or above the proposed applicability limit in this Commonwealth, and the affected SOCMI units in this Commonwealth already incorporate the EPA's NSPS standards into their existing permits. In the rare event that a permit modification would be necessary, these requirements will be incorporated as applicable requirements at the time of permit renewal, if less than 3 years remain in the permit term, as specified under 25 Pa. Code § 127.463(c) (relating to operating permit revisions to incorporate applicable standards). If 3 years or more remain in the permit term, the requirements would be incorporated as applicable requirements in the permit within 18 months of the promulgation of the final-form rulemaking, as required under § 127.463(b). Consequently, the owners and operators of affected facilities may each realize a savings equal to the fee for submitting an application for an amendment to an existing operating permit, if an amendment to the permit application is not required.

There are no anticipated costs associated with this proposed rulemaking. This proposed rulemaking is designed to address administrative issues associated with failing to have CTG RACT-based regulations for these source categories in this Commonwealth. The Department anticipates cost savings for facility owners and operators and the Department as there would be no need to submit amendments to operating permits to the EPA as revisions to the SIP, especially when a facility owner or operator needs to make permit modifications. The exact cost

savings to owners and operators in terms of time and resources for avoiding SIP revisions or permitting actions would vary by facility.

Compliance costs for the owners and operators of affected shipbuilding and ship repair surface coating operations, SOCMI processes, and large petroleum dry cleaners that result from this proposed rulemaking would be negligible. The owners and operators are already in compliance with the proposed CTG RACT requirements for each specific source category. All the known affected facilities are new and meet best available technology and NSPS requirements that are as stringent as the proposed RACT requirements or have permits in place that already meet the proposed RACT requirements.

Compliance assistance plan

The Department will continue to educate and assist the public and the regulated community in understanding the proposed requirements and how to comply with them throughout the rulemaking process. The Department will continue to work with the Department's provider of Small Business Stationary Source Technical and Environmental Compliance Assistance. These services are currently provided by the Environmental Management Assistance Program (EMAP) of the Pennsylvania Small Business Development Centers. The Department has partnered with EMAP to fulfill the Department's obligation to provide confidential technical and compliance assistance to small businesses as required by the APCA, section 507 of the CAA (42 U.S.C.A. § 7661f) and authorized by the Small Business and Household Pollution Prevention Program Act (35 P.S. §§ 6029.201—6029.209).

In addition to providing one-on-one consulting assistance and onsite assessments, EMAP also operates a toll-free phone line to field questions from small businesses in this Commonwealth, as well as businesses wishing to start up in, or relocate to, this Commonwealth. EMAP operates and maintains a resource-rich environmental assistance web site and distributes an electronic newsletter to educate and inform small businesses about a variety of environmental compliance issues.

Paperwork requirements

The recordkeeping and reporting requirements for owners and operators of applicable sources under this proposed rulemaking are minimal because the records required are in line with the records already required to be kept for emission inventory purposes and for other Federal and State requirements.

G. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a national policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with

greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

Implementation of the proposed CTG RACT requirements would allow the Department and county agencies to control and maintain VOC emissions from the regulated sources in this Commonwealth, sustain the gains made in healthful air quality and ensure continued protection of the environment and the public health and welfare of the citizens of this Commonwealth.

H. *Sunset Review*

The Board is not establishing a sunset date for this proposed rulemaking since it is needed for the Department to carry out its statutory authority. The Department will closely monitor this proposed rulemaking after promulgation as a final-form rulemaking in the *Pennsylvania Bulletin* for its effectiveness and recommend updates to the Board as necessary.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on ___DATE_____, 2021, the Department submitted a copy of this proposed rulemaking to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting this proposed rulemaking, the Department has provided IRRC and the House and Senate Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

J. *Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support, or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by DATE, 2021.

Comments may be submitted to the Board by accessing the Board's online comment system at http://www.ahs.dep.pa.gov/eComment.

Comments may also be submitted by e-mail to RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may also be submitted to the Board by mail or express mail. Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. *Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held as follows:

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Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, RA-EPEQB@pa.gov, at least 1 week in advance of the hearing to reserve a time to present testimony. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Jennifer Swan at (717) 787-4526 by 5 p.m. on DATE.

Verbal testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 783-8727 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,
Chairperson