



Citizens Advisory Council

to the Department of Environmental Protection

P.O. Box 8459 § Rachel Carson State Office Building

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September 21, 2015

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The Honorable John Quigley
Secretary
PA Department of Environmental Protection
Rachel Carson State Office Building
Harrisburg, PA 17105-2063

Dear Secretary Quigley:

Pursuant to the requirements of Section 7.6 of the Air Pollution Control Act, on September 15, 2015, staff from the Department of Environmental Protection (Department) provided a presentation to members of the Citizens Advisory Council (CAC) on the draft final rulemaking "Additional RACT Requirements for Major Sources of NO_x and VOC emissions". The rulemaking amends 25 Pa Code Chapters 121 and 129 to adopt presumptive RACT requirements and RACT emission limitations for certain major stationary sources of NO_x and VOC emissions. The CAC understands the adoption and implementation of RACT regulations in Pennsylvania is federally required and that DEP will submit the rulemaking, upon its final-form publication, to the Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP).

At the CAC's September 15, 2015, meeting, Council unanimously voted to concur with advancing the above referenced draft final regulations to the Environmental Quality Board for action. The CAC in general supports the adoption of the proposed RACT II regulations as an appropriate step forward in relation to the control of ozone precursor (nitrogen oxide and volatile organic compound) emissions, subject to the following concerns and recommendations:

1. The CAC has serious reservations concerning the precedent being set in the regulations of defining sources of RACT analysis (in this case, coal fired electric generation plants) based upon whether those sources have or have not already installed particular emission control technology (e.g., selective catalytic reduction technology for NO_x control). The CAC believes it would be preferable in instances where it may not be feasible or cost-effective for particular facilities to meet presumptive RACT limits applied to all other sources in the same general category that such facilities proceed through case-by-case analysis as otherwise provided in the RACT rules, whereby such analysis is subject to public scrutiny and potential review by the Environmental Hearing Board.
2. The CAC believes the definition of $E_{i,allowable}$ in Section 129.98(e) of the draft final rulemaking is vague and warrants amendment. The term as it is currently defined references that an allowable NO_x mass emissions rate may be computed by using the more stringent applicable allowable emission rate limitation imposed



on an air contamination source. However, no specifications are included in the definition to clarify what applicable emission rate limitations can be used in the calculation. In order to define the term with more specificity, the CAC recommends the definition of $E_{i,allowable}$ be modified to clarify that the more stringent numerical emission rate to be used in calculating the alternative facility-wide or system-wide NOx RACT emissions limitation shall be based on the emissions limit established in regulation, an existing permit, a consent decree or a Department order.

3. The CAC recommends that the Department seek further clarification from EPA in order to amend Section 129.98(a) of the rulemaking to permit averaging across ozone non-attainment areas under circumstances where sources within the more serious non-attainment area undertakes over-control (meeting more stringent limitations), to be averaged with sources in less serious non-attainment areas. This would promote NOx and VOC emission reductions closer to the areas where those reductions would provide the most benefit in terms of ozone reduction.

The CAC appreciates the Department's cooperation in providing detailed information on this rulemaking to Council, including the presentation it provided to the CAC on September 15, 2015.

If you have any questions regarding Council's action on the above-referenced regulation, please contact me at 717.787.8171 or by email at mtate@pa.gov.

Sincerely,



Michele L. Tate
Executive Director
Citizens Advisory Council

cc: Joyce Epps, Director, DEP, Bureau of Air Quality
Patrick McDonnell, Director, DEP Policy Office