

DRAFT 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 122. NATIONAL STANDARDS OF PERFORMANCE FOR
NEW STATIONARY SOURCES**

(Editor's Note: The following sections are proposed to be added and are printed in regular type to enhance readability.)

§ 122.4. Adoption of Federal Plans for existing sources.

(a) Federal Plan Requirements for Existing Sources promulgated in 40 CFR Part 62 (relating to approval and promulgation of state plans for designated facilities and pollutants) by the Administrator of the EPA under section 111(d) of the Clean Air Act (42 U.S.C.A. § 7411(d)) are adopted in their entirety by the Department and incorporated herein by reference.

(b) The incorporation by reference specified in subsection (a) does not include incorporation by reference of state plans for designated facilities and pollutants and requests for delegation of authority codified by the Administrator of the EPA in 40 CFR Part 62, Subparts B through DDD.

§ 122.5. Implementation and enforcement of emission guidelines and Federal Plans for existing sources.

(a) Emission guidelines for existing sources promulgated in 40 CFR Part 60 (relating to standards of performance for new stationary sources) and Federal Plans for existing sources promulgated in 40 CFR Part 62 (relating to approval and promulgation of state plans for designated facilities and pollutants) by the Administrator of the EPA under section 111(d) of the Clean Air Act (42 U.S.C.A. § 7411(d)) will be reviewed by the Department for their applicability to existing sources in this Commonwealth under the Department's jurisdiction.

(b) For existing sources in this Commonwealth under its jurisdiction subject to an emission guideline or Federal Plan specified in subsection (a), the Department will do one of the following:

(1) Develop a plan to implement and enforce requirements consistent with the applicable emission guideline requirements promulgated in 40 CFR Part 60 and submit the plan to the EPA for approval.

(2) Request delegation in writing of the applicable Federal Plan promulgated in 40 CFR Part 62 and commit to a Memorandum of Agreement with the EPA.

(c) If the Department has no existing sources under its jurisdiction subject to an emission guideline or a Federal Plan specified in subsection (a), the Department will submit a negative declaration to the EPA.