



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

# **Draft Proposed Rulemaking**

## **25 Pa. Code Chapter 129:**

Additional RACT Requirements for Major Sources of  
NO<sub>x</sub> and VOCs for the 2015 Ozone NAAQS  
(RACT III) Corrective Amendments

Air Quality Technical Advisory Committee  
April 4, 2024

Josh Shapiro, Governor

Jessica Shirley, Interim Acting Secretary

# Background

- On November 12, 2022, the Environmental Quality Board (Board) promulgated amendments to 25 Pa. Code Chapters 121 and 129 (relating to general provisions; and standards for sources) to establish additional presumptive reasonably available control technology (RACT) requirements and RACT emission limitations. See 52 Pa.B. 6960 (November 11, 2022).
- The amendments to Chapter 129, established in 25 Pa. Code §§ 129.111—129.115, address the federal requirements for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS) under the Clean Air Act (CAA) (42 U.S.C. §§ 7401—7671q).

# Background

- The final-form regulation was submitted to the Administrator of the EPA as a revision to the Commonwealth's State Implementation Plan (SIP) on January 13, 2023.
- However, 25 Pa. Code § 129.115(c) (relating to written notification, compliance demonstration and recordkeeping and reporting requirements), was not included as a revision to the SIP due to administrative and mathematical errors in the mass-equivalent basis factors.

# Reason for Rulemaking

- This proposed rulemaking would correct the errors in the mass-equivalent basis factors established in 25 Pa. Code § 129.115(c).
- This proposed rulemaking would also correct a cross reference error in 25 Pa. Code § 129.115(d).
- If published as a final-form rulemaking in the *Pennsylvania Bulletin*, this proposed rulemaking will be submitted to the EPA as a revision to the Commonwealth's SIP.

# Entities Subject to Rulemaking

- This proposed rulemaking would apply to the owner and operator of a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 180 MW located at a major NO<sub>x</sub> emitting facility or a major VOC emitting facility, or both, that was in existence on or before August 3, 2018.
- The owners or operators of 47 subject emission units at 17 facilities may choose to use the corrected mass equivalent basis factors.

# Rulemaking Outcomes

- The owner and operator of a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 180 MW would have the option to use the correct mass equivalent basis factors and cross references specified in 25 Pa. Code § 129.115(c) to demonstrate compliance with the presumptive NO<sub>x</sub> or VOC emission limits, or both, in 25 Pa. Code § 129.112(g)(2)(iii).
- No emission increases would be expected due to this proposed rulemaking.

# Draft Proposed Rulemaking

## **§ 129.115. Written notification, compliance demonstration and recordkeeping and reporting requirements.**

- Revise paragraphs (c)(2), (c)(3) and (c)(4) to correct cross references and mathematical errors.
- Revise subsection (d) to correct cross reference.

# Anticipated Rulemaking Schedule

- Air Quality Technical Advisory Committee – April 4, 2024
- Small Business Compliance Advisory Committee – April 17, 2024
- Citizens Advisory Council Policy and Regulatory Oversight Committee – May 2024
- Citizens Advisory Council – June 2024
- Environmental Quality Board – Third Quarter 2024
- Proposed Rulemaking Published in the *Pennsylvania Bulletin* – Fourth Quarter 2024





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