

Air Quality Technical Advisory Committee

to the Pennsylvania Department of Environmental Protection

PO Box 8468

Harrisburg, PA 17105-8468

November 20, 2009

John Hanger
Secretary
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

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DIRECTOR'S OFFICE
DEP BUREAU OF AIR QUALITY

Dear Secretary Hanger:

On November 18, 2009, the Air Quality Technical Advisory Committee (Committee) discussed the final-form rulemaking amendments to *25 Pa. Code* Chapters 121 and 129 (relating to general provisions; and standards for sources). The final-form rulemaking establishes nitrogen oxides (NOx) emission control requirements, emission standards, emission limitations and related administrative requirements in Chapter 129 for glass melting furnaces. Definitions of terms to support the requirements are included in Chapter 121 in the final-form rulemaking. The proposed rulemaking was published in the *Pennsylvania Bulletin* on April 19, 2008 (38 *Pa.B.* 1831).

The Committee voted 13-1 to concur with the Department's recommendation to present the final-form rulemaking amendments, with suggested revisions, to the Environmental Quality Board for approval as a final-form regulation. The Committee recommends that the following revisions be incorporated into the final-form regulation:

§ 129.302 should be modified to state that the regulation applies to furnaces in the jurisdiction of a local air pollution control agency, and any reports and notifications required under the regulation should be submitted directly to the local agency.

§ 129.303(b) should be revised to require that the owner or operator of a glass furnace notify the Department within 24 hours after the initiation of an exemption operation, instead of within 24 hours of the completion of the exemption operation.

§ 129.303(b)(3) should be added to require identification of the control system operating during the exemption period.

§ 129.304(d) should be revised to allow maintenance or repair measures on a furnace component to be exempt from the emission limits.

§ 129.305(b) should be modified to require a plan approval application for a start-up exemption 'if required', and delete the phrase 'scheduled cold shutdown' in the first sentence. The phrase 'or operating permit' should be added at the end of the second sentence, and 'new furnace or scheduled cold shutdown' should be deleted.

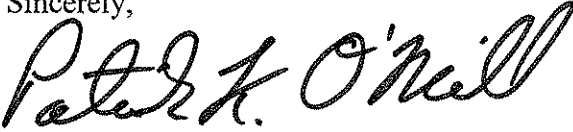
§ 129.305(c) should retain the phrase 'may not exceed' when listing the maximum days for a furnace start-up exemption and delete 'is as follows'.

§§ 129.306(b) and 129.307(b) should be modified to require approval by the Department for an evaluation of whether or not operating the emission control system is technologically feasible.

§ 129.308(a) should be modified to add the word 'or' in the sentence that relates to when a furnace may install and/or operate an alternate monitoring system or method.

The Department should re-evaluate the necessity of the invalidated data substitution method in § 129.308(b).

Sincerely,

A handwritten signature in black ink, reading "Patrick K. O'Neill". The signature is written in a cursive, flowing style.

Patrick K. O'Neill

Chair