

EXECUTIVE SUMMARY

Corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3) 25 Pa. Code Chapter 129

Purpose and Summary of this Proposed Rulemaking

The Environmental Quality Board (Board) is proposing to correct cross reference and numerical errors established in an optional alternative compliance demonstration method included in the recently finalized “Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS” final-form rulemaking (RACT 3 regulation). This proposed rulemaking corrects administrative errors and does not change environmental protection outcomes.

On November 12, 2022, the Board published the RACT 3 regulation to establish additional presumptive reasonably available control technology (RACT) requirements and RACT emission limitations for certain major stationary sources of oxides of nitrogen (NO_x) and volatile organic compound (VOC) emissions in existence on or before August 3, 2018, to address the Federal requirements for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). See 52 Pa.B. 6960.

This proposed rulemaking would amend the optional alternative compliance demonstration method provisions to correct errors in the mass-equivalent basis factors established in § 129.115(c)(2)—(4). These errors were the inadvertent switching of the factor in paragraph (2) with the factor in paragraph (3) and the use of an incorrect conversion constant to calculate the factors in paragraphs (3)—(4). The factors in paragraphs (2)—(4) are supposed to correlate to the presumptive compliance limits in § 129.112(g)(2)(iii)(B)—(D). The optional alternative compliance demonstration method was included to provide flexibility for the owners and operators of power plants whose turbines are fired either primarily or exclusively on natural gas to comply with the presumptive RACT limits. This proposed rulemaking would provide owners and operators of the affected power plants with the correct mass-equivalent basis factors for determining compliance through an alternative demonstration as intended in the RACT 3 regulation.

This proposed rulemaking would also correct a cross reference error in § 129.115(d). The proposed amendment would provide the correct cross reference of subsection (b) to clarify that the owners and operators of affected facilities shall demonstrate compliance using the monitoring and testing procedures in subsection (b), not by using the notification procedures in subsection (a).

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 following promulgation of the final-form rulemaking.

Affected Parties

This proposed rulemaking may affect 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 megawatts (MW) located at a major NO_x emitting facility or a major VOC emitting facility, or both, that was in existence on or before August 3, 2018. These facilities are power plants whose turbines are fired either primarily or exclusively on natural gas. The owners and operators of the 17 affected power plants under the Department's jurisdiction have the option to elect to use the mass-equivalent basis factors as an alternative method to demonstrate compliance with the presumptive RACT emission limits. As of June 4, 2024, no affected owners or operators have requested to use the optional alternative compliance demonstration method.

None of the owners and operators of the affected facilities meet the definition of "small business" specified in Section 3 of the Regulatory Review Act; therefore, no small business will be affected by this proposed rulemaking.

Advisory Groups

The Department discussed the draft proposed regulation with the Air Quality Technical Advisory Committee (AQTAC) at its meeting on April 4, 2024, and the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee (PRO Committee) on May 1, 2024. On the recommendation of the PRO Committee, on May 14, 2024, the CAC concurred with the Department's recommendation to forward this proposed rulemaking to the Board. This proposed rulemaking was not discussed with the Small Business Compliance Advisory Committee since none of the identified affected facilities are a "small business stationary source" as defined in section 3 of the Air Pollution Control Act (35 P.S. § 4003).

Public Comments and Board Hearings

The Department recommends a 60-day public comment period on the proposed rulemaking and an opportunity for three public hearings at DEP regional offices in Norristown, Harrisburg and Pittsburgh, PA.