Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

INDEPENDENT REGULATORY REVIEW COMMISSION

(1) Agency:
Environmental Protection

(2) Agency Number: 7

Identification Number: 584

IRRC Number**:**

(3) PA Code Cite: 25 Pa. Code § 129.115(c) and (d)

(4) Short Title: Corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3)

(5) Agency Contacts (List Telephone Number and Email Address):

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(6) Type of Rulemaking (check applicable box):

- ☒ Proposed Regulation
- ☐ Final Regulation
- ☐ Final Omitted Regulation
- ☐ Emergency Certification Regulation;
  - ☐ Certification by the Governor
  - ☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This proposed rulemaking would correct cross reference and numerical errors in an optional alternative compliance demonstration method included in the "Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS" final-form rulemaking (RACT 3 regulation) promulgated at 52 Pa.B. 6960 (November 12, 2022). This option was included to provide flexibility for the owners and operators of natural gas-fired power plants to comply with the presumptive limits in the RACT 3 regulation.

(8) State the statutory authority for the regulation. Include specific statutory citation.

This proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Environmental Quality Board (Board) the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth; and section 5(a)(8) of the APCA, which grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C. §§ 7401—7671q).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as any deadlines for action.

Companion Federal regulations do not exist for this proposed rulemaking. While this proposed rulemaking corrects certain subsections of the RACT 3 regulation, which is mandated by Federal law, the specific provisions addressed in this proposed rulemaking are not Federally required. This rulemaking proposes to correct errors in an optional alternative compliance demonstration method for use by the owners and operators of affected facilities to comply with the presumptive reasonably available control technology (RACT) requirements for the control of emissions of oxides of nitrogen (NO_x) and volatile organic compounds (VOC) to attain and maintain the 2015 8-hour ozone NAAQS.

There are no EPA or statutory deadlines for final adoption of this proposed rulemaking. After promulgation of this proposed rulemaking, the final-form amendments will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Commonwealth's State Implementation Plan (SIP) to attain and maintain the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This proposed rulemaking is needed to correct cross reference and numerical errors in the RACT 3 regulation. The RACT 3 regulation amended Chapter 129 (relating to standards for sources) to establish additional presumptive RACT requirements and RACT emission limitations for certain major stationary sources of NO_x and VOC emissions in existence on or before August 3, 2018, to address the Federal requirements for the 2015 8-hour ozone NAAQS under sections 172(c)(1), 182 and 184 of the CAA. These requirements are established in §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO_x and VOCs for the 2015 Ozone NAAQS). The Department of Environmental Protection (Department) submitted the RACT 3 regulation to the EPA as a revision to the Commonwealth's SIP on January 13, 2023.

After publication of the RACT 3 regulation but prior to submitting the RACT 3 regulation to the EPA as a revision to the SIP, the Department identified cross reference errors between the presumptive compliance limits, expressed in units of parts per million volume dry (ppmvd), established in § 129.112(g)(2)(iii)(B)—(D) (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) and the mass-equivalent basis factors established in § 129.115(c)(2)—(4) (relating to written notification, compliance demonstration and recordkeeping and reporting requirements). The Department also identified numerical errors in the mass-equivalent basis factors established in § 129.115(c)(2)—(4).

Section 129.112(g)(2)(iii) established the following presumptive RACT emission limitations in clauses (B)—(D):

- Clause (B) – 2 ppmvd VOC (as propane) @ 15% oxygen when firing natural gas or a noncommercial gaseous fuel
- Clause (C) – 8 ppmvd NO_x @ 15% oxygen when firing fuel oil
- Clause (D) – 2 ppmvd VOC (as propane) @ 15% oxygen when firing fuel oil

Section 129.115(c) established the following mass-equivalent basis factors in paragraphs (2)—(4):

- Paragraph (2) – 0.031 lb NO_x/million Btu for sources subject to § 129.112(g)(2)(iii)(B)
- Paragraph (3) – 0.014 lb VOC/million Btu for sources subject to § 129.112(g)(2)(iii)(C)
- Paragraph (4) – 0.030 lb VOC/million Btu for sources subject to § 129.112(g)(2)(iii)(D)

As explained further below, this proposed rulemaking would replace the published mass-equivalent basis factors with factors that are correctly calculated and correlated with the presumptive compliance limits established in § 129.112(g)(2)(iii)(B)—(D). Section 129.115(c) was not included in the RACT 3 regulation SIP revision submitted to the EPA on January 13, 2023.

The mass-equivalent basis factors in § 129.115(c) provide an optional alternative compliance demonstration method for the owners and operators of a combined cycle or combined heat and power combustion turbine with a rated output equal to or greater than 180 megawatts (MW) to comply with the presumptive RACT requirements and RACT emission limitations in § 129.112(g)(2)(iii). The actual emissions during the compliance period on a mass-equivalent basis must be less than the allowable RACT emission limitations expressed in ppmvd in § 129.112(g)(2)(iii).

The mass-equivalent basis factors specified in § 129.115(c) are calculated by converting the ppmvd concentration-based limits specified in § 129.112(g)(2)(iii) to lb pollutant / million Btu $_{\text{heat input}}$.

The conversion is a function of each specific pollutant and the ratio of fuel heat capacity to exhaust volume and thusly varies for different pollutants and fuels. The calculation formula is:

ppmvd corrected to m% O_2 × k × Fd × (20.9 / (20.9 − m)) = lb pollutant / million Btu heat input

ppmvd = parts per million volume dry
lb = pounds
million Btu = million British Thermal Units
20.9 = the volumetric oxygen (O_2) content of standard air. That is, the air we all breathe is made up of 20.9% O_2.
m = the standard percent oxygen content correction for the pollutant concentration.

The k factor accounts for unit conversions (i.e., from ppm to lb/dry standard cubic foot) based upon the molecular weight of each specific pollutant.

scf = standard cubic feet.

The dry fuel (Fd) factor relates the dry flue gas volume to the caloric value of the fuel combusted.

The relevant k and Fd factors are:

Fd	**scf/million Btu**		**k**	**(lb/scf)/ppmvd**
Natural Gas	8710		NO_x	1.19E-07
Fuel Oil	9190		VOC (as propane)	1.14E-07

The last term in the equation – (20.9 / (20.9 − m)) – adjusts the measured ppmvd value to a standard O_2 level of 20.9% O_2 to correct for stack gas dilution.

For § 129.112(g)(2)(iii)(A), to convert the emission limit of 4 ppmvd NO_x @ 15% oxygen (m=15) for a subject combustion turbine firing natural gas, the mass-equivalent basis factor in § 129.115(c)(1), expressed in units of lb NO_x / million Btu, is correctly calculated as follows:

4 ppmvd NO_x@15%O_2 × 1.17E-07 (lb/scf)/ppmvd × 8710 scf/million Btu × (20.9 / (20.9 – 15)) = 0.015 lb NO_x / million Btu heat input

The mass-equivalent basis factor of 0.015 lb NO_x / million Btu established in § 129.115(c)(1) of the RACT 3 regulation is correct as published.

During development of the RACT 3 regulation, the mass-equivalent basis factor corresponding to the presumptive limit of 2 ppmvd VOC (as propane) @ 15% oxygen when firing natural gas in § 129.112(g)(2)(iii)(B) was incorrectly calculated as 0.014 lb VOC / million Btu heat input. The Department inadvertently calculated the mass-equivalent basis factor of 0.014 lb VOC / million Btu by using the presumptive NO_x emission limitation instead of the presumptive VOC emission limitation.

The correct mass-equivalent basis factor corresponding to the presumptive limit in § 129.112(g)(2)(iii)(B), expressed in units of lb VOC / million Btu, is calculated as follows:

2 ppmvd VOC (as propane) @15%O_2 × 1.14E-07 (lb/scf)/ppmvd × 8710 scf/million Btu × (20.9 / 20.9 – 15) = 0.0070 lb VOC / million Btu heat input

The value of 0.0070 lb VOC / million Btu heat input is the mass-equivalent basis factor that corresponds to the presumptive emission limit established in § 129.112(g)(2)(iii)(B) of 2 ppmvd VOC (as propane) @ 15% oxygen for a subject combustion turbine firing natural gas. The factor of 0.031 lb NO_x / million Btu published in § 129.115(c)(2) of the RACT 3 regulation is the correctly calculated mass-equivalent basis factor for sources subject to the presumptive limit established in § 129.112(g)(2)(iii)(C) of 8 ppmvd NO_x @ 15% O_2 when firing fuel oil. This proposed rulemaking amends § 129.115(c)(2) by deleting the factor of 0.031 lb NO_x / million Btu and adding the correctly calculated factor of 0.0070 lb VOC / million Btu.

The published RACT 3 regulation incorrectly established the factor of 0.014 lb VOC / million Btu in § 129.115(c)(3). The factor of 0.014 lb VOC / million Btu was thusly incorrectly cross referenced to the presumptive limit established in § 129.112(g)(2)(iii)(C) of 8 ppmvd NO_x @ 15% oxygen when firing fuel oil. This proposed rulemaking amends § 129.115(c)(3) by deleting the incorrectly calculated factor of 0.014 lb VOC / million Btu and adding the correctly calculated factor of 0.031 lb NO_x / million Btu that was incorrectly published in the RACT 3 regulation in § 129.115(c)(2).

Additionally, during development of the RACT 3 regulation, the Department inadvertently calculated the mass-equivalent basis factor published in § 129.115(c)(4) by using the presumptive NO_x emission limitation instead of the presumptive VOC emission limitation, which resulted in the published incorrect value of 0.030 lb VOC / million Btu for sources subject to the presumptive limit in § 129.112(g)(2)(iii)(D) of 2 ppmvd VOC (as propane) @ 15% oxygen when firing fuel oil.

For § 129.112(g)(2)(iii)(D), to convert the emission limit of 2 ppmvd VOC (as propane) @ 15% oxygen for a subject combustion turbine firing fuel oil, the mass-equivalent basis factor in § 129.115(c)(4), expressed in units of lb VOC / million Btu, is calculated as follows:

2 ppmvd VOC (as propane) @15%O_2 × 1.14E-07 (lb/scf)/ppmvd × 9190 scf/million Btu × (20.9 / 20.9 – 15) = 0.0074 lb VOC / million Btu heat input

This proposed rulemaking amends § 129.115(c)(4) by deleting the incorrect value of 0.030 lb VOC / million Btu and adding the correctly calculated factor of 0.0074 lb VOC / million Btu.

The allowable emissions on a mass-equivalent basis are calculated by multiplying actual heat input to the source in million British thermal units (Btu) during the compliance period by the appropriate mass-equivalent basis factor in § 129.115(c). These allowable emission limitations expressed in pounds of pollutant per million Btu (lb of pollutant/million Btu) in § 129.115(c) are equivalent to the presumptive RACT emission limitations expressed in ppmvd of pollutant in § 129.112(g)(2)(iii).

To determine compliance with the presumptive limits in § 129.112(g)(2)(iii) using the mass-equivalent basis factors in § 129.115(c), the affected owner or operator would multiply the million Btu of heat input by the applicable mass-equivalent basis factor to calculate the allowable amount of lb pollutant that can be emitted.

For example, if an affected owner or operator subject to § 129.112(g)(2)(iii)(A) inputs XX million Btu to the combustion turbine, XX million Btu heat input × 0.015 lb NO_x / million Btu heat input equals the amount of allowable pounds of NO_x that can be emitted. The actual emissions in lb NO_x is measured by continuous emissions monitoring systems or stack testing and compared to the calculated allowable amount.

This proposed rulemaking would also correct a cross reference error in § 129.115(d) to clarify that the owner and operator of an air contamination source subject to § 129.115(b) shall demonstrate compliance using the monitoring and testing procedures in § 129.115(b) by the applicable date in § 129.115(d)(1) or (2) and not by using the notification procedures of § 129.115(a). The Department did not identify the cross-reference error in § 129.115(d) until after the RACT 3 regulation was submitted to the EPA as a revision to the SIP.

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_x emitting facility or a major VOC emitting facility, or both, that was in existence on or before August 3, 2018, may benefit from the proposed amendments. These facilities are power plants whose turbines are fired either primarily or exclusively on natural gas. The owners and operators of 47 emission units located at 17 power plants under the Department's jurisdiction may elect to use the mass-equivalent basis factors established in § 129.115(c) as an alternative method to demonstrate compliance with the presumptive RACT emission limits established in § 129.112(g)(2)(iii). As required by § 129.115(a)(1)(i), the owners and operators subject to § 129.111(a) that have sources subject to the presumptive RACT emission limits in § 129.112(g)(2)(iii) submitted a notification by December 31, 2022, in writing or electronically, to the appropriate Regional Manager or the appropriate approved local air pollution control agency that proposed how the owner and operator intended to comply with the requirements of §§ 129.111—129.115. These affected owners and operators all submitted notifications indicating that they were going to demonstrate compliance with the presumptive RACT limits or go through the case-by-case evaluation process. No affected owners and operators requested to use the optional alternative compliance demonstration method provided in § 129.115(c).

Affected owners and operators of facilities subject to § 129.111(b) are required by § 129.115(a)(1)(ii) to submit a notification within 6 months after becoming subject to § 129.111(b). Owners and operators of sources subject to the presumptive RACT emission limits in § 129.112(g)(2)(iii) may elect to use the alternative method in § 129.115(c) to demonstrate compliance with the presumptive RACT requirements and RACT emission limitations of § 129.112(g)(2)(iii). The Department would ensure that an owner and operator electing to use the alternative method in § 129.115(c) is aware of the correct mass-equivalent basis factors either through the final-form publication of this proposed rulemaking or through permitting meetings.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

Companion Federal regulations do not exist for this proposed rulemaking. While the proposed amendments would correct cross reference and numerical errors in the Federally-required RACT 3 regulation, the affected provisions are an optional alternative compliance demonstration method that subject owners and operators may use to meet the presumptive RACT NO_x or VOC emission limits. This optional alternative compliance demonstration method is not required by Federal law.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This proposed rulemaking would not impact the Commonwealth's ability to compete with other states because it is only correcting cross reference and numerical errors promulgated in the RACT 3 regulation to allow the owners and operators of permitted facilities to use an optional alternative compliance demonstration method.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This proposed rulemaking would not affect any other regulations promulgated by the Department or other State or local air pollution control agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

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 APCA (35 P.S. § 4003). Additionally, none of the affected facility owners and operators are a "small business" as defined in Section 3 of the Regulatory Review Act.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The owners and operators of 47 subject combined cycle or combined heat and power combustion turbines with a rated output equal to or greater than 180 MW located at 17 natural gas-fired power plants under the Department's jurisdiction may be affected. This proposed rulemaking would correct cross reference and numerical errors in the mass-equivalent basis factors established in the optional alternative compliance demonstration method in § 129.115(c). The owners and operators of these facilities may elect to use the alternative method to demonstrate compliance with the presumptive RACT requirements and RACT emission limitations of § 129.112(g)(2)(iii).

As required by § 129.115(a)(1)(i), the owners and operators subject to § 129.111(a) that have sources subject to the presumptive RACT emission limits in § 129.112(g)(2)(iii) submitted a notification by December 31, 2022, to the appropriate Regional Manager or the appropriate approved local air pollution control agency that proposed how the owner and operator intended to comply with the requirements of §§ 129.111—129.115. These affected owners and operators all submitted notifications indicating that they were going to demonstrate compliance with the presumptive RACT limits or go through the case-by-case evaluation process. No affected owners and operators requested to use the optional alternative compliance demonstration method provided in § 129.115(c).

Affected owners and operators of facilities subject to § 129.111(b) are required by § 129.115(a)(1)(ii) to submit a notification within 6 months after becoming subject to § 129.111(b). Owners and operators of sources subject to the presumptive RACT emission limits in § 129.112(g)(2)(iii) may elect to use the alternative method in § 129.115(c) to demonstrate compliance with the presumptive RACT requirements and RACT emission limitations of § 129.112(g)(2)(iii). The Department would ensure that an owner and operator electing to use the alternative method in § 129.115(c) is aware of the correct mass-equivalent basis factors either through the final-form publication of this proposed rulemaking or through permitting meetings.

None of the owners and operators of the affected facilities under the Department's jurisdiction meet the definition of "small business" specified in Section 3 of the Regulatory Review Act.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Please see the response to Question 15. Since this proposed rulemaking would amend an optional alternative compliance demonstration method, an owner or operator of a subject facility is not required to comply with the specified requirements.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

There are no expected financial, economic or social impacts as a result of this proposed rulemaking. This proposed rulemaking would correct errors in an optional alternative compliance demonstration method promulgated in the RACT 3 regulation.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

This proposed rulemaking would correct errors in an optional alternative compliance demonstration method included in the RACT 3 regulation. Therefore, there are no adverse effects, compliance costs or beneficial impacts associated with this proposed rulemaking.

(19) Provide a specific estimate of the costs and/or savings to the *regulated community* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no anticipated costs or savings to the regulated community due to this proposed rulemaking. No new legal accounting or consulting procedures are required.

(20) Provide a specific estimate of the costs and/or savings to the *local governments* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no anticipated costs or savings to local governments due to this proposed rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the *state government* associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no anticipated costs or savings to state government due to this proposed rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

No additional legal, accounting or consulting procedures are required. The proposed amendments would correct errors in the RACT 3 regulation and do not add to or change the existing reporting, recordkeeping or other paperwork requirements for the owners and operators of facilities that would be subject to this proposed rulemaking.

(22a) Are forms required for implementation of the regulation?

No forms are required.

(22b) If forms are required for implementation of the regulation, *attach copies of the forms here*. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. *Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.*

No forms are required.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year 2024/25	FY +1 Year 2025/26	FY +2 Year 2026/27	FY +3 Year 2027/28	FY +4 Year 2028/29	FY +5 Year 2029/30
SAVINGS:	**$**	**$**	**$**	**$**	**$**	**$**
Regulated Community	0.00	0.00	0.00	0.00	0.00	0.00
Local Government	0.00	0.00	0.00	0.00	0.00	0.00
State Government	0.00	0.00	0.00	0.00	0.00	0.00
Total Savings	0.00	0.00	0.00	0.00	0.00	0.00
COSTS:						
Regulated Community	0.00	0.00	0.00	0.00	0.00	0.00
Local Government	0.00	0.00	0.00	0.00	0.00	0.00
State Government	0.00	0.00	0.00	0.00	0.00	0.00
Total Costs	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE LOSSES:						
Regulated Community	0.00	0.00	0.00	0.00	0.00	0.00
Local Government	0.00	0.00	0.00	0.00	0.00	0.00
State Government	0.00	0.00	0.00	0.00	0.00	0.00

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3 2021/22	FY -2 2022/23	FY -1 2023/24	Current FY 2024/25
General Fund: 161-10382 Environmental Program Management	$34,160,000	$35,739,000	$38,004,000	$42,510,000
Special Funds: Fund 138 Clean Air Fund 215-20077 Major Emission Facilities	$20,801,000	$19,869,000	$22,253,000	$27,073,000
Special Funds: Fund 138 Clean Air Fund 233-20084 Mobile and Area Facilities	$11,290,000	$10,299,000	$12,892,000	$14,539,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

(c) A statement of probable effect on impacted small businesses.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

No small businesses will be affected. None of the owners and operators of the affected facilities under the Department's jurisdiction meet the definition of "small business" specified in Section 3 of the Regulatory Review Act.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions are necessary. This proposed rulemaking would correct cross reference and numerical errors in an optional alternative compliance demonstration method promulgated in the RACT 3 regulation.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered. This proposed rulemaking would correct cross reference and numerical errors in an optional alternative compliance demonstration method promulgated in the RACT 3 regulation.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

a) The establishment of less stringent compliance or reporting requirements for small businesses.

b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

c) The consolidation or simplification of compliance or reporting requirements for small businesses.

d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation.

e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

This proposed rulemaking will not affect small businesses. The regulation proposes to correct cross reference and numerical errors promulgated in the RACT 3 regulation. The Department's review of the

data gathered during the rulemaking process for the RACT 3 regulation determined that none of the owners and operators of the potentially affected facilities under the Department's jurisdiction meet the definition of "small business" specified in Section 3 of the Regulatory Review Act.

(28) If data is the basis for this regulation, please provide a description of the data, explain <u>in detail</u> how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this regulation.

(29) Include a schedule for review of the regulation including:

A. The length of the public comment period:	<u>60 days</u>
B. The date or dates on which any public meetings or hearings will be held:	DATES
C. The expected date of delivery of the final-form regulation to IRRC and the House and Senate Committees:	<u>3rd Quarter 2025</u>
D. The expected effective date of the final-form regulation:	<u>Upon publication in the *Pennsylvania Bulletin*</u>
E. The expected date by which compliance with the final-form regulation will be required:	<u>Not Applicable</u>
F. The expected date by which required permits, licenses or other approvals must be obtained:	<u>Not Applicable</u>

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board is not establishing a sunset date for this proposed rulemaking, since it is needed for the Department to carry out its statutory authority. The Department will closely monitor this proposed rulemaking after promulgation as a final-form rulemaking in the *Pennsylvania Bulletin* for its effectiveness and recommend updates to the Board as necessary.