

3052



RECEIVED

JUN 19 2014

ENVIRONMENTAL QUALITY BOARD

3 Neenah Center
PO Box 669
Neenah, WI 54957
Tel: 920.727.4100

June 18, 2014

Environmental Quality Board
Rachel Carson State Office Building, 16th Floor
400 Market Street
Harrisburg, PA 17101-2301

RE: Comments on Proposed Rulemaking
"Additional RACT Requirements for Major Sources of NO_x and VOC"
Affecting 25 PA Code, Chapters 121 and 129

Greetings:

Bemis Company, Inc. (Bemis) would like to thank you for the opportunity to review and comment on the proposed rulemaking to adopt presumptive reasonably available control technology (RACT) for certain major stationary sources of oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in Pennsylvania. The proposed rule language was published in the Pennsylvania Register on April 19, 2014, with June 30, 2014 being the established deadline to submit comments. Bemis' detailed comments and questions for consideration have been attached to this letter.

Please include Bemis in any additional notices relating to this rulemaking. In addition to this submission, Bemis is willing to participate in additional discussions either in person or by phone. We firmly believe it is in the best interest of the public, the agency, and the regulated community to have rules in place that are clear, concise, and provide real environmental benefit. If you have any questions for us or would like to schedule additional discussions please contact either Howard Hofmeister at 920-527-7417 / HGHHofmeister@Bemis.com or myself at 920-527-7695 / RKHarmon@Bemis.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Harmon", followed by a horizontal line.

Rob Harmon
Air Compliance Manager

Cc: Kirit Dalal, Chief, Division of Air Resource Management

2014 JUN 19 PM 3:53

RECEIVED
IRRC

Bemis Company, Inc.
June 18, 2014 Comments

Within § 121.1 the definition of "stationary source internal combustion engine" is being modified. Currently that definition contains a restriction stating the definition only applied for purposes of § 129.203, but the proposed language opens it up to the entirety of the air regulations.

- Does this create any unintended consequences where a different existing regulation's meaning is changed? Is this term used anywhere else?
- It appears the Pennsylvania definition has always included portable (not mobile) internal combustion engines. Why wouldn't this be an opportune time to align this definition with 40 CFR 63, Subpart ZZZZ?

The requirements of § 129.96 identify applicable units.

- As proposed being major for either NOx or VOC trips the requirements for both.
- Why was a common approach taken to NOx and VOC instead of identifying VOC emission sources of concern and addressing those separately from the NOx sources?
- The most likely result of this blending is a lot of effort being spent for really small gains.
- While a number of existing regulations are referenced in the applicability section, there is no clarifying statement of prior presumptive RACT requirements that were promulgated under § 129.91 through 95. It isn't until almost the end of § 129.97 that those regulations are superseded. It may be clearer to address all the applicability pieces under § 129.96 instead of having it split up so much.

§ 129.97 starts to lay out the actual requirements for each source category. However, the reasoning behind including some of the categories remains vague.

- § 129.97(c)(1) doesn't have a lower bound for applicability. It would theoretically catch every boiler or other combustion source (which is very broad) with a heat input rating of less than 20 MMBTU/hr. The cost / benefit of regulating the smallest end of this range is questionable. Was the intent to place obligations on small things like bathroom water heaters; Bunsen burners in labs; or gas stoves for cooking if they happen to be located at an industrial source?
- "Good engineering practices" with respect to combustion minimization of NOx, VOC, or both is not defined. This requirement can lead to a wide variety of interpretations and therefore regulatory uncertainty. Uncertainty is not desirable for either the regulated industries or the DEP.
- § 129.97(c)(2) and (6) seem to be redundant with existing Federal Requirements. The majority of engines fitting either (or both) of those categories are already subject to requirements under the RICE NESHAP (40 CFR 63, Subpart ZZZZ). The only exception (as drafted) would be small portable units (not mobile units though, so propane-fired fork lifts would be exempt from either). Was the interaction with this federal rule considered in the development of this proposed rule?
- § 129.97(d) doesn't seem to be independent of (c). In both cases the presumptive RACT ends up the same (good engineering practices).
- § 129.97(g)(1) seems to potentially have an interaction with the two Boiler MACT regulations finalized by US EPA (40 CFR 63, Subparts JJJJJ and DDDDD). Was this interaction analyzed for conflicts?
- § 129.97(g)(3) is another stationary engine requirement that is redundant with 40 CFR 63, Subpart ZZZZ.

§ 129.100 contains compliance demonstration and recordkeeping requirements for sources subject to part or all of this regulation. However, there doesn't seem to be any direction for a source only subject to work practice standards (such as the vague good engineering practices requirement). What is their compliance demonstration method? What records is a site required to keep in order to meet this requirement?