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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

November 4, 2004

Honorable Kathleen A. McGinty, Chairperson  
Environmental Quality Board  
Rachel Carson State Office Building  
400 Market Street, 16th Floor  
Harrisburg, PA 17101

Re: Regulation #7-378 (IRRC #2302)  
Environmental Quality Board  
Small Sources of NOx, Cement Kilns and Large Internal Combustion Engines

Dear Chairperson McGinty:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

  
John R. McGinley, Jr.  
Chairman

evp  
Enclosure

cc: Honorable William F. Adolph, Jr., Majority Chairman, House Environmental Resources and Energy Committee  
Honorable Camille George, Democratic Chairman, House Environmental Resources and Energy Committee  
Honorable Mary Jo White, Chairman, Senate Environmental Resources and Energy Committee  
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources and Energy Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held November 4, 2004

John R. McGinley, Jr., Esq., Chairman  
Alvin C. Bush, Vice Chairman  
Arthur Coccodrilli  
Daniel F. Clark, Esq.  
Murray Ufberg, Esq.

Regulation No. 7-378  
Environmental Quality Board  
Small Sources of NO<sub>x</sub>, Cement Kilns and  
Large Internal Combustion Engines

On October 8, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121, 129 and 145. The proposed regulation was published in the October 19, 2002 *Pennsylvania Bulletin* with a 68-day public comment period. The Board resubmitted the proposed regulation on February 18, 2003, pursuant to Section 5(e) of the Regulatory Review Act, which was in effect at the time the regulation was proposed. The final-form regulation was submitted to the Commission on September 29, 2004.

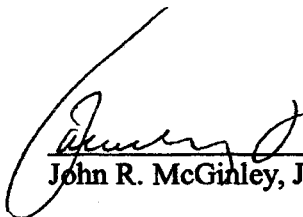
This rulemaking amends three chapters of the Board's regulations. Chapters 121 and 129 establish ozone season emission limits for nitrogen oxides (NO<sub>x</sub>) for certain boilers, turbines and stationary internal combustion engines located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties. Chapter 145 applies statewide and is being amended to include emission limits and controls for large stationary internal combustion engines and cement kilns.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. § 4005) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
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John R. McGinley, Jr., Esq. Chairman