

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;">(All Comments submitted on this regulation will appear on IRRC's website)</p>	<p style="margin: 0;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="margin: 10px 0 0 0;">RECEIVED</p> <p style="margin: 5px 0 0 0;">Independent Regulatory Review Commission January 2, 2025</p>
<p>(1) Agency: Environmental Protection</p>	<p>IRRC Number: 3427</p>
<p>(2) Agency Number: 7 Identification Number: 584</p>	
<p>(3) PA Code Cite: 25 Pa. Code § 129.115(c) and (d)</p>	
<p>(4) Short Title: Corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3)</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Laura Griffin, 717-772-3277, laugriffi@pa.gov Secondary Contact: High Garst, 717-783-8727, argarst@pa.gov</p>	
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation</p>	<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>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.</p>	
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>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).</p>	

(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 _{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:

$$\text{ppmvd corrected to m\% O}_2 \times k \times F_d \times (20.9 / (20.9 - m)) = \text{lb pollutant / million Btu heat input}$$

ppmvd = parts per million volume dry

lb = pounds

million Btu = million British Thermal Units

20.9 = the volumetric oxygen (O₂) content of standard air. That is, the air we all breathe is made up of 20.9% O₂.

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

The relevant k and F_d 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 O₂ level of 20.9% O₂ 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:

$$4 \text{ ppmvd NO}_x @ 15\% \text{O}_2 \times 1.17\text{E-}07 \text{ (lb/scf)/ppmvd} \times 8710 \text{ scf/million Btu} \times (20.9 / (20.9 - 15)) \\ = 0.015 \text{ lb NO}_x / \text{million Btu heat input}$$

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:

$$2 \text{ ppmvd VOC (as propane) @ 15\%O}_2 \times 1.14\text{E-}07 \text{ (lb/scf)/ppmvd} \times 8710 \text{ scf/million Btu} \times (20.9 / \\ 20.9 - 15) = 0.0070 \text{ lb VOC / million Btu heat input}$$

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% O₂ 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:

$2 \text{ ppmvd VOC (as propane) @15\%O}_2 \times 1.14\text{E-}07 \text{ (lb/scf)/ppmvd} \times 9190 \text{ scf/million Btu} \times (20.9 / 20.9 - 15) = 0.0074 \text{ lb VOC / million Btu heat input}$

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 \times 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	\$20,083,000	\$19,869,000	\$22,253,000	\$27,073,000
Special Funds: Fund 138 Clean Air Fund 233-20084 Mobile and Area Facilities	\$10,153,000	\$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 in detail 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: 62 days
- B. The date or dates on which any public meetings or hearings will be held: February 25 & 26, 2025
- C. The expected date of delivery of the final-form regulation: 3rd Quarter 2025
- D. The expected effective date of the final-form regulation: Upon publication in the *Pennsylvania Bulletin*
- E. The expected date by which compliance with the final-form regulation will be required: Not Applicable
- F. The expected date by which required permits, licenses or other approvals must be obtained: Not Applicable

(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.

RECEIVED

Independent Regulatory
Review Commission

January 2, 2025

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE
BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

By: **Amy M. Elliott**
(Deputy Attorney General)

12/19/2024

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

DEPARTMENT OF ENVIRONMENTAL
PROTECTION
ENVIRONMENTAL QUALITY BOARD

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-584

DATE OF ADOPTION November 12, 2024

BY Jessica L. Shirley
TITLE JESSICA SHIRLEY
ACTING CHAIRPERSON

EXECUTIVE OFFICER CHAIRPERSON OR SECRETARY

Copy below is hereby approved as to form and legality
Executive or Independent Agencies

BY Adrian Nelson

DATE OF APPROVAL 11/25/2024

(Deputy General Counsel)
(~~Chief Counsel - Independent Agency~~)
(Strike inapplicable title)

Check if applicable. No Attorney General Approval
or objection within 30 days after submission.

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

Corrections to Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone
NAAQS (RACT 3)

25 Pa. Code Chapter 129

**PROPOSED RULEMAKING
ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CH. 129]**

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

The Environmental Quality Board (Board) proposes to amend Chapter 129 (relating to standards for sources) to read as set forth in Annex A. This proposed rulemaking would correct errors in the mass-equivalent basis factors established in § 129.115(c) (relating to written notification, compliance demonstration and recordkeeping and reporting requirements) and a cross reference error in § 129.115(d). These are errors in an optional alternative compliance demonstration method provision 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) published at 52 Pa.B. 6960 (November 12, 2022).

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 (SIP) following promulgation of the final-form rulemaking.

This proposed rulemaking was adopted by the Board at its meeting on November 12, 2024.

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. There are no EPA or statutory deadlines for final adoption of this proposed rulemaking.

B. Contact Persons

For further information, contact Virendra Trivedi, Chief, Division of Permits, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9476; or Jesse C. Walker, Assistant Director, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in section J of this preamble. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection’s (Department) web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board,” then navigate to the Board meeting of November 12, 2024).

C. Statutory Authority

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 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).

D. Background and Purpose

The RACT 3 regulation established 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 Standard (NAAQS) under sections 172(c)(1), 182 and 184 of the CAA (42 U.S.C. §§ 7502(c)(1), 7511a and 7511c) and the EPA's 2015 ozone implementation rule (40 CFR 51.1316 (relating to requirements for an Ozone Transport Region)). See 52 Pa.B. 6960. 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 RACT 3 regulation was submitted to the Administrator of the EPA as a revision to the Commonwealth's SIP on January 13, 2023. Prior to submitting the RACT 3 regulation to the EPA, the Department identified errors in the mass-equivalent basis factors established in § 129.115(c)(2)—(4). See 52 Pa.B. 6960, 6998. Consequently, the Department did not include § 129.115(c) in the January 13, 2023, SIP revision submission.

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 compliance limits in § 129.112(g)(2)(iii) (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule). 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. The actual emissions during the compliance period on a mass-equivalent basis must be less than the allowable RACT emission limitations expressed in parts per million volume dry (ppmvd) in § 129.112(g)(2)(iii) during the compliance period. 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 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).

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; and clause (D) – 2 ppmvd VOC (as propane) @ 15% oxygen when firing fuel oil. See 52 Pa.B. 6960, 6992.

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); and

paragraph (4) – 0.030 lb VOC/million Btu for sources subject to § 129.112(g)(2)(iii)(D). See 52 Pa.B. 6960, 6998.

Section 129.115(c)(2) should have specified a lb VOC/million Btu mass-equivalent basis factor to correlate with the ppmvd VOC RACT emission limitation in § 129.112(g)(2)(iii)(B). Section 129.115(c)(3) should have specified a lb NO_x/million Btu mass-equivalent basis factor to correlate with the ppmvd NO_x RACT emission limitation in § 129.112(g)(2)(iii)(C). However, the two factors in § 129.115(c)(2) and (3) were inadvertently switched. Additionally, the VOC mass-equivalent basis factors in § 129.115(c)(3) and (4) were calculated using an incorrect conversion constant during the development of the RACT 3 rulemaking. This proposed rulemaking would replace the mass-equivalent basis factors in § 129.115(c)(2)—(4) with figures that are correctly calculated and correlated with the presumptive limits established in § 129.112(g)(2)(iii)(B)—(D) as described in Section E of this preamble.

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). See 52 Pa.B. 6960, 6999. The Department did not identify the cross-reference error in § 129.115(d) until after the RACT 3 regulation was submitted to the EPA.

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 (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).

E. Summary of Regulatory Requirements

§ 129.115. Written notification, compliance demonstration and recordkeeping and reporting requirements.

Subsection (c)(2) is proposed to be amended by deleting 0.031 lb NO_x/million Btu and adding 0.0070 lb VOC/million Btu to provide the correct mass-equivalent basis factor as an optional alternative compliance demonstration method to meeting the presumptive RACT limit in § 129.112(g)(2)(iii)(B) of 2 ppmvd VOC (as propane) @ 15% oxygen when firing natural gas or a noncommercial gaseous fuel.

Subsection (c)(3) is proposed to be amended by deleting 0.014 lb VOC/million Btu and adding 0.031 lb NO_x/million Btu to provide the correct mass-equivalent basis factor as an optional alternative compliance demonstration method to meeting the presumptive RACT limit in § 129.112(g)(2)(iii)(C) of 8 ppmvd NO_x @ 15% oxygen when firing fuel oil.

Subsection (c)(4) is proposed to be amended by deleting 0.030 lb VOC/million Btu and adding 0.0074 lb VOC/million Btu to provide the correct mass-equivalent basis factor as an optional alternative compliance demonstration method to meeting the presumptive RACT limit in § 129.112(g)(2)(iii)(D) of 2 ppmvd VOC (as propane) @ 15% oxygen when firing fuel oil.

Subsection (d) is proposed to be amended by correcting the cross-reference to subsection “(a)” with a cross-reference to subsection “(b).”

F. Benefits, Costs and Compliance

Benefits

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 use § 129.115(c) as an alternative method to demonstrate compliance with the presumptive RACT NO_x or VOC emission limits, or both, in § 129.112(g)(2)(iii). This proposed rulemaking corrects the mass-equivalent basis factors and cross references for this optional alternative compliance demonstration method. The owners and operators of 47 emission units located at 17 natural gas-fired power plants under the Department’s jurisdiction that are subject to the presumptive RACT emission limits in § 129.112(g)(2)(iii) may elect to use the optional alternative compliance demonstration method if they choose.

Compliance Costs

This proposed rulemaking does not impose any new compliance obligations and, therefore, no compliance costs are associated with this proposed rulemaking.

Compliance Assistance Plan

As required by § 129.115(a)(1)(i), the owners and operators subject to § 129.111(a) (relating to applicability) 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.

Paperwork Requirements

There are no additional paperwork requirements associated with this proposed rulemaking with which industry would need to comply.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking would correct administrative and numerical errors in the mass-equivalent basis factors established in an optional alternative compliance demonstration method in the RACT 3 regulation. These amendments are not expected to increase or decrease emissions of the regulated air pollutants or change environmental protection outcomes.

H. Sunset Review

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.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (RRA) (71 P.S. § 745.5(a)), on January 2, 2025, the Department submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC). Under section 5(f) of the RRA, the Department will submit this proposed rulemaking and a copy of the Regulatory Analysis Form to the Chairpersons of the House and Senate Environmental Resources and Energy Committees no later than the second Monday after the date by which both committees' designations have been published in the *Pennsylvania Bulletin*. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by March 28, 2025.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board online by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may also be submitted by e-mail to RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may also be submitted to the Board by mail or express mail. Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held as follows:

February 25, 2025, at 1 p.m.

Southwest Regional Office
Waterfront Conference Room A
500 Waterfront Drive
Pittsburgh, PA 15222

February 26, 2025, at 1 p.m.

Rachel Carson State Office Building
Room 105
400 Market Street
Harrisburg, PA 17101

February 26, 2025, at 1 p.m.

Southeast Regional Office
Delaware River Conference Room
2 East Main Street
Norristown, PA 19401

Persons wishing to present testimony at a hearing are requested to contact Casey Damicantonio for the Department and the Board, (717) 783-8727 or RA-EPEQB@pa.gov, at least 1 week in advance of the hearing to reserve a time to present testimony. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Casey Damicantonio at least 1 week in advance of the hearing.

Verbal testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their verbal testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 783-8727 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

JESSICA SHIRLEY,
Acting Chairperson

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES

CHAPTER 129. STANDARDS FOR SOURCES

ADDITIONAL RACT REQUIREMENTS FOR MAJOR SOURCES
OF NO_x AND VOCs FOR THE 2015 OZONE NAAQS

§ 129.115. Written notification, compliance demonstration and recordkeeping and reporting requirements.

* * * * *

(c) The owner or operator of a combined cycle combustion turbine may comply with the requirements in § 129.112(g)(2)(iii) on a mass-equivalent basis. The actual emissions during the compliance period must be less than the allowable emissions during the compliance period. The allowable emissions are calculated by multiplying actual heat input in million Btu during the compliance period by the following:

(1) 0.015 lb NO_x/million Btu for sources subject to § 129.112(g)(2)(iii)(A).

(2) **[0.031 lb NO_x/million Btu] 0.0070 lb VOC/million Btu** for sources subject to § 129.112(g)(2)(iii)(B).

(3) **[0.014 lb VOC/million Btu] 0.031 lb NO_x/million Btu** for sources subject to § 129.112(g)(2)(iii)(C).

(4) **[0.030 lb VOC/million Btu] 0.0074 lb VOC/million Btu** for sources subject to § 129.112(g)(2)(iii)(D).

(d) Except as specified in § 129.112(n) and § 129.114(l) (relating to alternative RACT proposal and petition for alternative compliance schedule), the owner and operator of an air contamination source subject to subsection (b) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation in accordance with the procedures in subsection [(a)] **(b)** not later than:

(1) January 1, 2023, for a source subject to § 129.111(a) (relating to applicability).

(2) January 1, 2023, or 1 year after the date that the source meets the definition of a major NO_x emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.111(b).

* * * * *



Pennsylvania
Department of
Environmental Protection

January 2, 2025

David Sumner
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17120

Re: Proposed Rulemaking: Corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3) (#7-584)

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of the Corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3) proposed rulemaking for review by the Independent Regulatory Review Commission (Commission). Under Section 5(f) of the Regulatory Review Act, the Department will submit the proposed rulemaking and a copy of the Regulatory Analysis Form to the Chairpersons of the House and Senate Environmental Resources and Energy Committees no later than the second Monday after the date by which both committees' designations have been published in the *Pennsylvania Bulletin*. On the same date, the transmittal sheet verifying delivery will be sent to the Commission.

The Environmental Quality Board adopted this rulemaking on November 12, 2024. This proposal is scheduled for publication in the *Pennsylvania Bulletin* on January 25, 2025, with a 62-day public comment period ending on March 28, 2025. Three public hearings are scheduled on February 25 and 26, 2025.

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). This proposed rulemaking would amend the optional alternative compliance demonstration method provisions to correct errors in the mass-equivalent basis factors and correct a cross reference error.

As set forth in the Regulatory Review Act, the Department will consider any comments and recommendations made by the Commission, as well as the House and Senate Environmental Resources and Energy Committees and the public, prior to final adoption of the enclosed rulemaking.

Mr. David Sumner

- 2 -

January 2, 2025

Please contact me by e-mail at laurgriffi@pa.gov or by telephone at 717.772.3277 if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Laura E. Griffin". The signature is written in a cursive style with a large, stylized initial "L".

Laura Griffin
Regulatory Coordinator

Enclosures

January 2, 2025

From: [Bulletin](#)
To: [Griffin, Laura](#); [Code&Bulletin](#)
Cc: [Garst, High](#); [Reiley, Robert A.](#); [Campbell, Laura](#); [Adeline E. Gaydosh](#); [A.J. Mendelsohn](#)
Subject: [External] Re: Delivery of Proposed Rulemaking (#7-584) - Corrections to Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS (RACT 3)
Date: Thursday, January 2, 2025 9:11:25 AM

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Good morning, Laura,

Thank you for sending this final package for proposed rulemaking 7-584. We will update the address as noted. As we discussed previously, this is scheduled for publication in the 1/25 issue of the *Pennsylvania Bulletin*.

Have a terrific day!

Adeline

Adeline Gaydosh | Legal Assistant

agaydosh@palrb.us | 717.783.3984

Legislative Reference Bureau

Pennsylvania Code & Bulletin Office

647 Main Capitol Building

Harrisburg, PA 17120

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Thursday, January 2, 2025 8:45 AM
To: Bulletin <bulletin@palrb.us>; Code&Bulletin <codeandbulletin@palrb.us>
Cc: Garst, High <argarst@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Campbell, Laura <laurcampbe@pa.gov>; Adeline E. Gaydosh <agaydosh@palrb.us>; A.J. Mendelsohn <amendelsohn@palrb.us>
Subject: Delivery of Proposed Rulemaking (#7-584) - Corrections to Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS (RACT 3)

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Corrections to Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS (RACT 3) Proposed Rulemaking (#7-584). The rulemaking documents are attached in a zip folder.

In addition, also attached are Word files of the Preamble and Annex. Advance copies of these documents were provided on December 24, 2024. There is one minor change to the Preamble since

that submission – under the public hearings section, the address for the Pittsburgh office has been corrected to **500** Waterfront Drive.

A copy of the transmittal sheet is attached for your records. Filing with the ERE Committee chairs will occur following designations of standing committees in the new legislative term.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926
(she/her/hers) | laurgriffi@pa.gov
www.dep.pa.gov

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Independent Regulatory
Review Commission

January 2, 2025