



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Air Quality



# **Final-Form Rulemaking: Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs for the 2015 Ozone NAAQS**

PA Chamber  
September 21, 2022

Tom Wolf, Governor

Ramez Ziadeh, P.E., Acting Secretary

# Overview

- This final-form rulemaking (known as RACT III) is required pursuant to the federal Clean Air Act.
- It establishes presumptive RACT requirements and emission limitations for specific source categories at major stationary facilities of NO<sub>x</sub> and VOC emissions.
- Owners and operators of sources without presumptive requirements and limitations, or those unable to meet the presumptive limitations, must submit a case-by-case RACT analysis.

# Overview

- The presumptive RACT requirements in the final-form rulemaking are the same or more stringent than those found in the RACT I and RACT II rules.
- The Independent Regulatory Review Commission (IRRC) approved the final-form RACT III regulation on September 15, 2022.

# Affected Parties

- RACT requirements are applicable to the owners and operators of all sources in Pennsylvania that emit or have a potential to emit greater than 100 tons per year (TPY) of NO<sub>x</sub> or 50 TPY of VOC.
- There are approximately 425 Title V facility owners and operators in Pennsylvania (excluding Philadelphia and Allegheny Counties) that may be subject to this final-form rulemaking.

# Key Comments

- EPA commented that case-by-case determinations issued under §§ 129.96—129.100 for RACT II cannot be deemed to satisfy the case-by-case requirements for RACT III without additional documented review.
- EPA also noted that the RACT III compliance date cannot be later than the regulatory RACT implementation date established in 40 CFR 51.1312(a)(3)(i), which for Pennsylvania is January 1, 2023.

# Key Changes From Proposed

- The final-form rulemaking contains an option for an owner or operator to submit an analysis demonstrating that the applicable RACT II conditions remain RACT for RACT III, in place of a full case-by-case analysis.
- The Department will review these analyses and submit all the approved ones to EPA as a revision to the State Implementation Plan.

# Key Changes From Proposed

- The presumptive NO<sub>x</sub> RACT limit for MWC has been revised from 150 to 110 ppmvd at 7% oxygen.
- This presumptive NO<sub>x</sub> RACT limit is consistent with the recommendations made by the Ozone Transport Commission, is cost-effective, and is achievable with available add-on control technology.

# Economic Impacts

- Owners and operators undergoing case-by-case RACT evaluations must bear the costs of notifications and application fees, estimated to be \$4,000-\$6,000 per facility.
- Complying with applicable requirements by installing add-on control technology would have an annualized cost of less than \$3,750 per ton of NO<sub>x</sub> and \$7,500 per ton of VOC emission reduction.



# Environmental Impacts

- Implementation of the control measures in the final-form rulemaking could reduce NO<sub>x</sub> emissions by as much as 9,800 TPY from engines, turbines, and MWC and could reduce VOC emissions by as much as 825 TPY from engines and turbines.
- The measures in this final-form rulemaking are reasonably required to attain and maintain the health-and-welfare-based 2015 8-hour ozone NAAQS.

# Implementation

- Final-form regulation will be submitted for PA Bulletin publication once OAG review completed.
- On-going discussions with individual companies, trade associations, consultants and advisory committees on implementation.
- Implementation e-mail sent out to facilities same day as IRRC approval.
- Implementation letter will be sent out shortly.
- Applicability notification due from each affected facility by January 1, 2023.
- Substantive compliance (presumptive, case-by-case or averaging plan) required by January 1, 2023.



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