

# ADMINISTRATIVE WATCH

ADDRESSING ENVIRONMENTAL, ENERGY AND NATURAL RESOURCE ISSUES



## Major Sources of NO<sub>x</sub> and/or VOCs in Pennsylvania Must Meet New Requirements by January 1, 2017

On April 23, 2016, the Pennsylvania Environmental Quality Board (EQB) published a final-form rule that requires major sources of nitrogen oxides (NO<sub>x</sub>) and/or volatile organic compounds (VOCs) to meet reasonably available control technology (RACT) by January 1, 2017. See 46 Pa.B. 2036. The final rulemaking adopts presumptive RACT requirements and emission limitations. Major sources that are not subject to any presumptive RACT requirements or emission limitations will need to develop their own RACT requirements. The final-form rulemaking will affect a wide array of combustion sources in several industrial sectors and may require the installation of costly control technologies or implementation of new work practices.

The rule finalizes the EQB's April 2014 proposed rulemaking to re-evaluate RACT-level controls under the 1997 and 2008 ozone national ambient air quality standards (NAAQS). Under the final rule, operators of certain categories of major NO<sub>x</sub> or VOC sources in existence before July 20, 2012, or which become major NO<sub>x</sub> or VOC sources by modification after that date, must either comply with presumptive numeric emissions limitations or work practice requirements, participate in a facility-wide or system-wide emissions averaging plan, or submit a request for an alternative case-by-case RACT determination.

The presumptive NO<sub>x</sub> and VOC RACT requirements and limitations impose specific work practice requirements and numeric emission limitations on specific categories of sources including boilers, engines, cement kilns, and other combustion sources.

Affected major NO<sub>x</sub> emitting facilities with at least one source subject to a NO<sub>x</sub> RACT emission limit that the source cannot meet can alternatively demonstrate compliance through averaging NO<sub>x</sub> emissions on a facility-wide or system-wide basis among sources under common control of the same owner or operator (if in the same ozone nonattainment area) on a 30-day rolling average. This compliance approach requires the submission and approval of an averaging plan, which will be used to determine compliance with the RACT emissions limits.

Finally, operators of an affected source that cannot meet applicable presumptive RACT work practice requirements or emissions limits may propose an alternative RACT requirement or emissions limit. Such a proposal must include information on, among other things, the capacity of each affected source, fuel(s) combusted, actual and potential to emit (PTE) calculations of NO<sub>x</sub> and VOC emissions, proposed alternative limits or requirements, and proposed testing, monitoring, recordkeeping and reporting procedures. Sources with a PTE of greater than 5 tons per year of NO<sub>x</sub> and/or 2.7 tons per year of VOCs that are not otherwise specified in the presumptive RACT requirements or emissions limits must also submit a RACT proposal. The deadline for submission of an alternative RACT proposal is October 24, 2016.

If you own or operate a major stationary source of NO<sub>x</sub> and/or VOC emissions located in Pennsylvania, your facility is likely to be affected by this rulemaking. For additional information regarding compliance options, please contact Michael H. Winek at (412) 394-6538 or [mwinek@babstcalland.com](mailto:mwinek@babstcalland.com), or Varun Shekhar at (412) 394-5679 or [vshekhar@babstcalland.com](mailto:vshekhar@babstcalland.com).

**Babst | Calland**  
Attorneys at Law

[babstcalland.com](http://babstcalland.com)

### Pittsburgh, PA

Two Gateway Center  
603 Stanwix Street, 6th Floor  
Pittsburgh PA 15222  
412-394-5400

### State College, PA

330 Innovation Blvd., Suite 302  
State College, PA 16803  
814-867-8055

### Charleston, WV

Suite 1000  
300 Summers Street  
Charleston, WV 25301  
681-205-8888

### Washington, DC

Suite 601  
805 15th Street NW  
Washington, DC 20005  
202-853-3455

### Canton, OH

3711 Whipple Avenue NW  
Canton, OH 44718  
234-352-1650

### Sewell, NJ

380-A Tylers Mill Road  
Sewell, NJ 08080  
856-256-2495