



CALPINE CORPORATION



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Policy Office
Department of Environmental Protection
Rachel Carson State Office Building
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Submitted via Pennsylvania's eComment website: <https://www.ahs.dep.pa.gov/eComment/>

Re: Comments on Proposed Rule

Calpine Mid-Merit, LLC (Calpine) respectfully submits the following comment regarding the Pennsylvania Environmental Quality Board (EQB) Notice published in the Pennsylvania Bulletin on August 7, 2021. The Notice solicits public comments in response to the Pennsylvania Department of Environmental Protection's (PADEP or "the Department") proposed rule "Additional RACT Requirements for Major Sources of NO_x and VOC for the 2015 Ozone NAAQS" (RACT III).

Calpine is proposing that the Department revise and clarify the proposed rule as follows:

Proposed Requirement:

§ 129.111. Applicability.

(a) Except as specified in subsection (c), the NO_x requirements of this section and §§ 129.112—129.115 apply Statewide to the owner and operator of a major NO_x emitting facility and the VOC requirements of this section and §§ 129.112—129.115 apply Statewide to the owner and operator of a major VOC emitting facility ***that were in existence on or before August 3, 2018***, for which a requirement or emission limitation, or both, has not been established in §§ 129.51, 129.52(a)—(k) and Table I categories 1—11, 129.52a—129.52e, 129.54—129.63a, 129.64—129.69, 129.71, 129.72, 129.73, 129.75, 129.77 and 129.101—129.107. The owner or operator shall identify and list the following sources and facilities in the written notification required under § 129.115(a) (relating to compliance demonstration and recordkeeping and reporting requirements):

Comment:

Calpine requests that PADEP define and clarify the phrase "**in existence**" as proposed in 25 Pa. Code § 129.111(a). Calpine believes that the use of a term that is not otherwise defined in the State or Federal Clean Air Act (CAA) regulations is unclear and adds confusion to the applicability of

the proposed requirements. Calpine proposes that PADEP clarify a facility's applicability status as follows:

... that were in existence on or before August 3, 2018 (The term "in existence" for the purposes of applicability under §129.111 is defined as the an emissions unit that has completed construction/installation and commenced operation as a source of air emissions).

Calpine believes that this revision will have a significant impact on the applicability determination of the proposed RACT III regulations for facilities that are newly constructed. Calpine has air emissions units for which the definition of "in existence" will determine if they subject to applicability under the RACT III regulations. Because the Department has elected to forgo commonly used and well-defined definitions from existing regulations (e.g., begin construction, commence operation, first fire, etc.), specificity is needed for facilities to clarify when the source becomes existing. Defining the "existence" of facilities as fully constructed, commissioned, and operating sources of air emissions, and referring to well established regulatory terms will remove ambiguity from the rule as currently written.

As always, Calpine thanks you for your consideration of this important matter.

Very truly yours,



Greg Pikul

Environmental Manager
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