

# Regulatory Analysis Form

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**(1) Agency**

Department of Environmental Protection

**(2) I.D. Number (Governor's Office Use)**

#7-343

INDEPENDENT REGULATORY  
REVIEW COMMISSION  
**McGinley**

IRRC Number: 2008

**(3) Short Title**

Corrections to Nitrogen Oxides Allowance Requirements

**(4) PA Code Cite**

25 Pa. Code Chapters 121,  
Definitions, and 123, Standards for  
Contaminants

**(5) Agency Contacts & Telephone Numbers**

Primary Contact: Sharon Freeman, 717-783-1303

Secondary Contact: Barbara A. Sexton, 717-783-1303

**(6) Type of Rulemaking (Check One)**

- ☒ Proposed Rulemaking  
☐ Final Order Adopting Regulation  
☐ Final Order, Proposed Rulemaking Omitted

**(7) Is a 120-Day Emergency Certification Attached?**

- ☒ No  
☐ Yes: By the Attorney General  
☐ Yes: By the Governor

**(8) Briefly explain the regulation in clear and nontechnical language.**

A. Pursuant to Section 123.117(b) several facility operators identified missing sources to the Department. Additions to the Appendix E list of affected sources are made to account for these sources. The source operators met the requirements of Section 123.117(b) and the Ozone Transport Commission (OTC) has concurred with the changes to the NOx MOU Baseline inventory. The inventory change provides the Commonwealth with an increased budget on which to draw the additional allowances for these sources.

B. The definition of "NOx affected source" is being revised to clarify program applicability to 15 MW sources.

C. An accounting error for the Appendix E allocations is being corrected. The total allocation of the state budget was exceeded by about one quarter of a percent. Each source's allocation has been adjusted proportionately to effect the correction.

D. The special allocation set aside for the Washington Power project is being eliminated since the plan approval upon which it was based expired and the project would no longer qualify to construct without NSR offsets. This impacts the allocation of allowances to other sources.

E. The listing of "baseline MMBtu" in Appendix E is being deleted. The listing of "baseline NOx lb/MMBtu" is being modified.

F. A number of sources mistakenly included in Appendix E are being deleted from the Appendix E.

**(9) State the statutory authority for the regulation and any relevant state or federal court decisions.**

Section 5 of the Air Pollution Control Act (35 P.S. § 4005).

**(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.**

Yes, these changes are required by the Federal Clean Air Act. These changes should be made immediately. The rule makes some minor adjustments to the allowances. Since the allowances can be traded and sold, it is in the best interest of the affected parties to receive full and accurate allocations as soon as possible.

**(11) Explain the compelling public interest that justifies the regulation. What is the problem that it addresses?**

The interest and problem is described in (8) and (10) above.

**(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.**

Because of the accounting error in the existing regulation, without this regulatory change, affected sources will be able to emit more pollutants than appropriate to protect public health.

**(13) Describe who will benefit from the regulation. (Quantify the benefits completely as possible and approximate the number of people who will benefit.)**

This change will primarily benefit the operators of the newly identified sources since they will receive the allowances which were approved for inclusion in the state budget.

**(14) Describe who will be adversely affected by the regulation. Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)**

Due to the accounting error in the Appendix E allocations, the Department is proposing to reduce sources allowances by approximately ¼ %. This will cost sources an incremental additional amount to comply with the reduced allocations.

**(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)**

The currently existing affected facilities impacted by this regulation are listed in Appendix E to the regulation. In addition, any new fossil fuel fired facility that is rated at greater than or equal to 250 million BTU per hour and any fossil fired electric generating unit rated at greater than or

equal to 15 megawatts would be subject to the regulation along with any facilities that opt into the program.

**(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.**

The operators of the newly identified sources contacted the Department and provided the necessary information to effect the changes related to those facilities. The Department's statutorily established technical advisory committee for air quality issues (AQTAC) provided a public forum for discussion and technical advice.

**(17) 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.**

Operators of newly identified sources will experience a cost savings since they will receive an allocation which they otherwise would be required to purchase. The overall costs/savings associated with these amendments are negligible.

**(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting, or consulting procedures which may be required.**

There is no local government involvement associated with these changes.

**(19) Provide a specific estimate of the costs and/or savings to state government associated with compliance, including any legal, accounting, or consulting procedures which may be required.**

There are no anticipated impacts.

**(20) 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 through FY+5**

**SAVINGS:**

<b>Regulated Community</b>	Negligible
<b>Local Government</b>	None
<b>State Government</b>	None
<b>General Public</b>	None
<b>Total Savings</b>	Negligible

**COSTS:** There may be a slight increase in costs to implement this regulatory change.

## REVENUE LOSSES:

Regulated Community    None

**Local Government**      **None**

**State Government**      **None**

**Total Revenue Losses** None

**(20a) Explain how the cost estimates listed above were derived.**

**There will be no additional costs to implement this regulatory change.**

**(20b) Provide the past three year expenditure history for programs affected by the regulation.**

Program expenditures will not be affected by the proposed regulation amendment.

**(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.**

Correcting the allocations for all sources to match the state budget is not a cost-benefit issue, it simply implements the regulation in the manner that it was originally intended. The addition of sources provides a complete and accurate listing of affected sources which are included in the baseline budget.

**(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.**

**Revision of the allowances must be done through rulemaking.**

**(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide reasons for their dismissal.**

**There are no alternatives.**

**(24) Are there any provisions that are more stringent than the federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.**

There are no applicable federal regulations. These regulations are necessary for Pennsylvania and other Northeastern states to achieve the National Ambient Air Quality Standard for ozone.

**(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?**

The regulation is consistent with rules being developed by all states in the Northeast Ozone Transport Region. There is a competitiveness issue because similar sources in Midwestern and Southern states are not presently required to make similar reductions. Pennsylvania and EPA are presently seeking to have similar reductions made in these states through Section 126 and Section 110 of the Clean Air Act.

**(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.**

No.

**(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.**

Three public hearings will be held during a sixty day comment period.

**(28) Will the regulation change existing reporting, recordkeeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available?**

No.

**(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small business, and farmers.**

None.

**(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses, or other approvals must be obtained?**

The rule becomes effective upon promulgation. Permits are required to be issued to affected facilities in order to implement the regulation.

**(31) Provide the schedule for continual review of the regulation.**

This regulation will be reviewed in accordance with the sunset review scheduled published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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

*[Signature]*  
DEPUTY ATTORNEY GENERAL

JAN 08 1999

DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections  
attached.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ENVIRONMENTAL QUALITY BOARD

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-343

DATE OF ADOPTION: 12-15-98

BY:

*[Signature]*  
TITLE: JAMES M. SEIF, CHAIRMAN  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

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

*[Signature]*

12/23/98  
DATE OF APPROVAL

(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 Nitrogen Oxides Allowance Requirements

25 Pa. Code Chapters 121 (Definitions)  
and 123 (Standards for Contaminants)

## **NOTICE OF PROPOSED RULEMAKING**

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION ENVIRONMENTAL QUALITY BOARD**

#### **25 Pa. Code Chapters 121 and 123 Nitrogen Oxides Allowance Requirements**

The Environmental Quality Board (Board) proposes to amend 25 Pa. Code Chapters 121 and 123 (relating to general provisions and standards for contaminants) as set forth in Annex A.

The change to Chapter 121 amends the definition of NO<sub>x</sub> affected unit to clarify that the definition is applicable to 15 megawatt (MW) sources rather than facilities. A number of minor technical amendments are made to Appendix E. The first amendment provides allowance allocations for newly discovered sources as provided under Section 123.117(b) (relating to new NO<sub>x</sub> affected source provisions). In addition, the allocations in Appendix E are proposed for revision to correct an accounting error contained in the original allocation. The listing of "baseline MMBtu" in Appendix E is also being deleted. The listing of "baseline NO<sub>x</sub> lb/MMBtu" is being modified. A number of sources mistakenly included in Appendix E are being deleted from Appendix E. Finally, the contingent allocation for Washington Power Company is being eliminated from Section 123.115(b) (relating to initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations).

This notice is given under Board Order at its meeting of Dec. 15, 1998.

#### **A. Effective Date**

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### **B. Contact Persons**

For further information, contact J. Wick Havens, Chief, Division of Air Resources Management, Bureau of Air Quality, 12<sup>th</sup> Floor Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468 (telephone: 717-787-4310); or M. Dukes Pepper, Jr., Assistant Counsel, Bureau of Regulatory Counsel, 9<sup>th</sup> Floor Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464 (telephone: 717-787-7060). Persons with a disability may use the AT&T relay service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). These regulations are available electronically through the Department of Environmental Protection's (Department) web site (<http://www.dep.state.pa.us>).

### **C. Statutory Authority**

This action is being taken under the authority of Section 5(a)(1) of the Air Pollution Control Act (35 P.S. §4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

### **D. Background**

On November 1, 1997, the Board published final regulations establishing the Nitrogen Oxides (NO<sub>x</sub>) Allowance Requirements. As the Department began to implement the regulation, there was some confusion about the definition of a "NO<sub>x</sub> affected source". This definition is intended to require only those individual fossil-fired operating units which generate greater than 15 MW of electricity to be included in the definition. Because there is some ambiguity in the existing definition, this proposal clarifies the language to meet the original intention.

Subsequent to publication of the regulations, a number of NO<sub>x</sub> affected sources that had not been listed in the regulation were identified under the process established in Section 123.117 (relating to new NO<sub>x</sub> affected sources). In addition, the Washington Power Company, listed in Section 123.115(b) of the regulation, no longer has a plan approval authorizing its construction. Furthermore, as the Department began the process of establishing NO<sub>x</sub> Allowance Tracking System accounts for the NO<sub>x</sub> Affected Sources listed in the regulations, the Department recognized that an accounting error had occurred in the original allocation of allowances listed in Appendix E. Appendix E had allocated approximately 500 more NO<sub>x</sub> allowances than were available in the OTC budget that Pennsylvania agreed to meet. Finally, Appendix E of the existing regulation contains two columns ("Baseline NO<sub>x</sub> lb/MMBtu" and "Baseline MMBtu") that are somewhat confusing. This proposal modifies the regulation to include the newly discovered sources, remove the Washington Power Company, correct the accounting error and modify the columns contained in Appendix E.

As described during the initial rulemaking action, the Department worked with the Ozone Transport Commission (OTC) to determine the 1990 NO<sub>x</sub> baseline which was used to calculate the emission reductions, NO<sub>x</sub> affected source allocations and emission caps established by the program. The OTC published the "Procedures for Development of the OTC NO<sub>x</sub> Baseline Emission Inventory". Following those procedures a "1990 OTC NO<sub>x</sub> Baseline Emission Inventory" was developed by EPA's Office of Air Quality Planning and Standards (EPA-454/R-95-013). Pennsylvania used that inventory as the basis for development of the emission reduction requirements contained in the final Nitrogen Oxides Allowance Requirements regulations. The following discussion details the process that was used in Pennsylvania to establish the 1990 baseline, emission reductions, NO<sub>x</sub> affected source allocations and emission caps.

The first step in establishing the 1990 baseline was to identify the "NO<sub>x</sub> affected sources" that were operating in 1990. NO<sub>x</sub> emissions reported from these sources were used to develop a five-month (May 1 through September 30) NO<sub>x</sub> emissions baseline for each source. This



information was then provided to the owners and operators of the source to ensure that it was an accurate representation of actual 1990 emissions. Appropriate adjustments were made to the baseline to assure its accuracy.

The second step allowed the owners and operators of each NO<sub>x</sub> affected source to make a demonstration to the OTC that the 1990 emissions were not representative of normal operations. These requests for "exceptional circumstances" were reviewed by the OTC and, where appropriate, the 1990 5-month baseline for the NO<sub>x</sub> affected source was modified. In Pennsylvania three sources had their baselines adjusted based on exceptional circumstances (1990 OTC NO<sub>x</sub> Baseline Emission Inventory Appendix G).

There was an additional baseline modification addressed by the OTC. The OTC established a "10,000 ton reserve" baseline to be divided between the states. Pennsylvania used this reserve to adjust the 1990 baseline of the NO<sub>x</sub> affected sources at Duquesne Light's Cheswick and Elrama power stations. The amount of this adjustment was equal to the exceptional circumstances request received by Duquesne Light (that request was not granted because there was insufficient documentation provided (1990 OTC NO<sub>x</sub> Baseline Emission Inventory Appendix G and p. 20)).

Following these adjustments, in July of 1995, the 1990 OTC NO<sub>x</sub> Baseline Emission Inventory was published with baseline information for each NO<sub>x</sub> affected source in each OTC state (EPA document EPA-454/R-95-013). After publication of this baseline inventory, each state went through an additional quality assurance/quality control process. This process identified sources that, although listed in the inventory, did not meet the definition of NO<sub>x</sub> affected unit as well as additional sources that were not included in the inventory but met the definition. This resulted in a final 1990 baseline, which was used to determine the amount of emission reductions and number of NO<sub>x</sub> allowances that would be available in each state beginning in 1999.

To calculate the emissions reductions and number of allowances available in Pennsylvania, the 1990 baseline emissions were divided according to whether they came from the area of Pennsylvania subject to 55% or 65 % reduction. Following that division, a calculation was performed for each source that evaluated whether the percentage reduction or emission rate (either the Reasonably Available Control Technology (RACT) rate or 0.2 lb/MMBtu) was the controlling reduction. The total of these emission reductions for sources in the 1990 baseline established the emission reductions and total allowances that are available for all Pennsylvania sources in 1999 (1999 budget).

There were a number of sources that met the definition of a NO<sub>x</sub> affected source that began operation after 1990 but prior to the time when the final regulation was promulgated. The Department worked with the Air Quality Technical Advisory Committee (AQTAC) to establish a process for including these new sources in the program. In general, these sources were independent power producers (IPPs) that had installed modern and efficient emission controls. In addition the IPPs, in many cases, were eliminating environmental problems by burning fuels that, if left in place, generally cause significant water pollution. The Department and AQTAC

established a process that included these facilities in the program, resulting in the need to distribute the 1999 budget among a larger number of sources than were operating in 1990. To do so, the total allocation available for the IPPs was established using a methodology developed with the input and approval of the AQTAC. To ensure an equitable distribution of the 1999 budget, the budget for each source operating in 1990 was reduced by a pro-rata amount in order to provide an allocation for all NO<sub>x</sub> affected sources in operation at the time the regulation became final. This resulted in increasing the percent reduction requirements to approximately 57% and 67% and slightly tightening the emission rates where they were the controlling factor to calculate the allowances.

In other words, between 1990 and 1997 there was an increase in the number of NO<sub>x</sub> affected sources. In order to treat all sources equally, Pennsylvania's 1999 budget was divided between all of these sources following a uniform approach. In the aggregate, this resulted in Pennsylvania meeting the NO<sub>x</sub> MOU reduction targets of 55% or 0.2 lb/MMBtu in the outer zone and 65% or 0.2 lb/MMBtu in the inner zone from the 1990 emissions baseline.

#### **E. Summary of the Proposal**

The definition of "NO<sub>x</sub> affected source" in Section 121.1 is being proposed for modification to clarify that only individual emission units of 15 megawatts or greater are included in the definition. In addition, the definition is further clarified to exclude emergency electrical generating units used to power safety equipment at nuclear power plants.

Section 123.115 (related to initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations) is being modified to remove the Washington Power Company allocation.

Appendix E is being modified in four ways. First, the NO<sub>x</sub> affected sources identified through the process described in Section 123.117 (related to new NO<sub>x</sub> affected source provisions) are being added to Appendix E. Second, the accounting error that resulted in over-allocating the 1999 budget is being corrected with a pro-rata reduction in all NO<sub>x</sub> affected sources emissions (the reduction is rounded to whole numbers of allowances). Third, several sources mistakenly included in Appendix E are being deleted from Appendix E. Finally, the last column of the table in Appendix E is being deleted and the "Baseline NO<sub>x</sub> lb/MMBtu" column is being renamed to add the term "Bonus Allowance".

The changes to the columns clarifies their use. The Bonus Allowance column is used as the emission rate from which bonus allowances established by Section 123.119 (related to bonus NO<sub>x</sub> allowance awards) is calculated. The column "Baseline MMBtu" is not used in the regulation and, consequently, it is being deleted. The Baseline MMBtu was part of the derivation of the original 1990 emissions baseline development and is no longer relevant to the program.

## **F. Benefits, Costs and Compliance**

### **Benefits**

Executive Order 1996-1 requires a cost benefit analysis of the amendments. Overall, the citizens of this Commonwealth will benefit from the amendments because they will provide appropriate protection of air quality both in this Commonwealth and the entire northeastern United States. In addition to reducing ozone pollution, this program will assist the Commonwealth in meeting its requirements for reasonable further progress and attainment under the Clean Air Act.

### **Compliance Costs**

These regulations may slightly increase compliance costs by reducing the total NO<sub>x</sub> allowances available in Pennsylvania.

### **Compliance Assistance Plan**

The Department plans to educate and assist the regulated community and the public with understanding the NO<sub>x</sub> budget program.

### **Paperwork Requirements**

These regulatory changes will have no additional paperwork impact on the Commonwealth and the regulated entities.

## **G. Sunset Review**

This regulation will be reviewed in accordance with the sunset review scheduled published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

## **H. Regulatory Review**

Under Section 5(a) of the Regulatory Review Act, 71 P.S. §745.5(a), the Department submitted a copy of the proposed rulemaking on February 17, 1999, to the Independent Regulatory Review Commission and the Chairmen of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided the Commission and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Department within thirty (30) days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion.

The act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulation.

## **I. Public Comment and EQB Hearings**

### **Public Hearings**

The EQB will hold three (3) public hearings for the purpose of accepting comments on the proposed amendments. The hearings will be held at 1:00 p.m. as follows:

April 6, 1999                      Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, Pa.

April 7, 1999                      Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna River Conference Room  
909 Elmerton Avenue  
Harrisburg, Pa.

April 8, 1999                      Department of Environmental Protection  
Southeast Regional Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, Pa.

Persons wishing to present testimony at the hearings must contact Kate Coleman at the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 (telephone: 717-787-4526), at least one (1) week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to ten minutes for each witness and three written copies of the oral testimony are requested to be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation in order to participate should contact Kate Coleman at 717-787-4526 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

### **Written Comments**

In lieu of or in addition to presenting oral testimony at the hearings, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the EQB, 15<sup>th</sup> Floor Rachel Carson State Office Building, P.O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by

May 10, 1999 (65 days from the date of publication). In addition to the written comments, interested persons may also submit a summary of their comments to the EQB. This summary may not exceed one (1) page in length and must be received by May 10, 1999 (65 days from the date of publication). This summary will be provided to each member of the EQB in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

### **Electronic Comments**

Comments may be submitted electronically to the EQB at RegComments@a1.dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the EQB May 10, 1999 (65 days from the date of publication).

By:

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James M. Seif  
Chairman  
Environmental Quality Board

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. DEFINITIONS.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*NO<sub>x</sub> affected source*—A fossil fuel fired indirect heat exchange combustion unit with a maximum rated heat input capacity of 250 MMBtu/hour or more and all fossil fuel fired electric generating SOURCES [facilities] rated at 15 megawatts or greater or any other source that voluntarily opts to become a NO<sub>x</sub> affected source.

\* \* \* \* \*

**CHAPTER 123. STANDARDS FOR CONTAMINANTS**

**NO<sub>x</sub> ALLOWANCE REQUIREMENTS**

**§ 123.115. Initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations.**

\* \* \* \* \*

(b) The [Washington Power Company and] Colver Power Project source[s] identified in Appendix E [A] shall receive the allocation identified in Appendix E upon operation of the source.

\* \* \* \* \*

## Appendix E

County	Facility	Combustion Source Name	Point ID	Allowance	<u>BONUS ALLOWANCE</u>	
					Baseline NOx lb/MMBtu	[Baseline MMBtu]
Adams	Met Edison Hamilton		031	4	0.59	[18,716 ]
Adams	Met Edison Ortanna		031	3	0.59	[13,130 ]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #1	031	17	0.45	[89,908 ]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #2	032	6	0.45	[29,243 ]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #3	033	14	0.45	[74,249 ]
Allegheny	Duquesne Light Company, Cheswick	Boiler	001	2,110 [2,114]	0.61	[15,025,580]
Armstrong	Penelec - Keystone	Boiler No. 1	031	4,334 [4,342]	0.80	[25,149,236 ]
Armstrong	Penelec - Keystone	Boiler No. 2	032	3,439 [3,446]	0.79	[22,657,898 ]
Armstrong	West Penn Power Co.	Foster Wheeler	031	1,137 [1,140]	0.95	[5,355,101 ]
Armstrong	West Penn Power Co.	Foster Wheeler	032	1,063 [1,066]	1.02	[5,007,467 ]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	032	301 [302]	0.83	[1,747,462 ]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	033	247	0.83	[1,431,342 ]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	034	286	0.83	[1,655,847 ]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	035	154	0.81	[683,951 ]
Beaver	Penn Power Co. - Bruce Mansfield	Boiler Unit 1	031	2,987 [2,993]	0.90	[16,618,929]
Beaver	Penn Power Co. - Bruce Mansfield	Foster Wheeler Unit No. 2	032	3,857 [3,866]	0.90	[21,464,786 ]
Beaver	Penn Power Co. - Bruce Mansfield	Foster Wheeler Unit 3	033	3,497 [3,504]	0.70	[19,455,843 ]
Beaver	Zinc Corporation Of America	Coal Boiler 1	034	240 [241]	0.80	[1,380,627 ]
Beaver	Zinc Corporation Of America	Coal Boiler 2	035	203 [204]	0.80	[1,168,776 ]
Berks	Metropolitan Edison Co. - Titus	Unit 1	031	202	0.65	[1,836,587 ]
Berks	Metropolitan Edison Co. - Titus	Unit 2	032	186	0.68	[1,632,072 ]
Berks	Metropolitan Edison Co. - Titus	Unit 3	033	201	0.66	[1,805,003 ]
Berks	Metropolitan Edison Co. - Titus	No. 4 Combustion Turbine	034	2	0.44	[20,010 ]
Berks	Metropolitan Edison Co. - Titus	No. 5 Combustion Turbine	035	2	0.44	[15,484 ]
Blair	Penelec - Williamsburg	No. 11 Boiler - Rily	031	38	0.87	[200,874]
<u>BUCKS</u>	<u>PECO ENERGY - FALLS</u>	<u>UNIT 1</u>		7	0.67	
<u>BUCKS</u>	<u>PECO ENERGY - FALLS</u>	<u>UNIT 2</u>		7	0.67	
<u>BUCKS</u>	<u>PECO ENERGY - FALLS</u>	<u>UNIT 3</u>		6	0.67	
Bucks	PECO Energy - Croyden	Croyden - Turbine #11	031	11	0.70	[42,451 ]
Bucks	PECO Energy - Croyden	Croyden - Turbine #12	032	7	0.70	[26,382 ]
Bucks	PECO Energy - Croyden	Croyden - Turbine #21	033	44	0.70	[175,640]
Bucks	PECO Energy - Croyden	Croyden - Turbine #22	034	20	0.70	[81,649 ]
Bucks	PECO Energy - Croyden	Croyden - Turbine #31	035	11	0.70	[42,534 ]
Bucks	PECO Energy - Croyden	Croyden - Turbine #32	036	14	0.70	[54,905 ]
Bucks	PECO Energy - Croyden	Croyden - Turbine #41	037	8	0.70	[30,191 ]
Bucks	PECO Energy - Croyden	Croyden - Turbine #42	038	38	0.70	[152,094]
Bucks	United States Steel Corp., The	Power House Boiler No. 3	043	63	0.26	[655,625 ]
Bucks	United States Steel Corp., The	Power House Boiler No. 4	044	14	0.27	[147,330 ]

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Bucks	United States Steel Corp., The	Power House Boiler No. 5	045	73	0.26	[756,980 ]
Bucks	United States Steel Corp., The	Power House Boiler No. 6	046	84	0.26	[871,810 ]
Cambria	Cambria CoGen Company	A Boiler	031	199 [200]	0.24	[2,003,177]
Cambria	Cambria CoGen Company	B Boiler	032	210 [212]	0.23	[2,116,233 ]
Cambria	Colver Power Project			409 [411]	0.20	[4,112,640 ]
Cambria	Ebensburg Power Company	CFB Boiler		205 [206]	0.08	[2,058,858 ]
Carbon	Panther Creek Energy Facility	Boiler 1		119	0.12	[1,592,491 ]
Carbon	Panther Creek Energy Facility	Boiler 2		116 [117]	0.12	[1,555,673]
<u>CHESTER</u>	<u>PECO ENERGY - MOSIER</u>	<u>UNIT 1</u>		7	0.67	
<u>CHESTER</u>	<u>PECO ENERGY - MOSIER</u>	<u>UNIT 2</u>		7	0.67	
<u>CHESTER</u>	<u>PECO ENERGY - MOSIER</u>	<u>UNIT 3</u>		6	0.67	
Chester	PECO Energy - Cromby	Boiler No 1	031	246 [247]	0.82	[1,660,770 ]
Chester	PECO Energy - Cromby	Boiler No 2	032	186 [187]	0.28	[1,257,120 ]
Clarion	Piney Creek Project	CFB Boiler		121 [122]	0.18	[1,217,989 ]
Clearfield	Penelec - Shawville	Babcock Wilcox Boiler	031	979 [981]	1.22	[3,737,976 ]
Clearfield	Penelec - Shawville	Babcock Wilcox Boiler	032	945 [947]	1.21	[3,624,416 ]
Clearfield	Penelec - Shawville	Combustion Engineering	033	850 [852]	0.86	[4,558,942 ]
Clearfield	Penelec - Shawville	Combustion Engineering	034	692 [693]	0.87	[3,697,889 ]
Clinton	International Paper Co.	1 Riley Stoker Vo-Sp	033	145	0.55	[1,220,703 ]
Clinton	International Paper Co.	2 Riley Stoker Vo-Sp	034	145	0.55	[1,218,878 ]
Clinton	PP&L - Lock Haven	CT 1		3	0.49	[14,818]
Columbia	Penelec - Benton		002	1	2.33	[2,661 ]
Columbia	Penelec - Benton		003	1	2.93	[2,330 ]
Cumberland	Metropolitan Edison Company	G.E. N Frame Turbine	031	9	0.45	[46,665]
Cumberland	Metropolitan Edison Company	G.E. N Frame Turbine #1	032	11	0.45	[55,480 ]
Cumberland	PP&L - West Shore	CT 1		3	0.49	[12,402]
Cumberland	PP&L - West Shore	CT 2		3	0.49	[13,231]
Dauphin	PP&L - Harrisburg	CT 1		3 [4]	0.49	[16,282]
Dauphin	PP&L - Harrisburg	CT 2		4	0.49	[15,884]
Dauphin	PP&L - Harrisburg	CT 3		4	0.49	[15,446]
Dauphin	PP&L - Harrisburg	CT 4		4	0.49	[15,386]
Delaware	BP Oil, Inc.	7 Boiler	032	33 [35]	0.37	[331,917]
Delaware	BP Oil, Inc.	8 Boiler	033	54 [56]	0.48	[535,337 ]
Delaware	BP Oil, Inc.		038	180 [187]	0.55	[1,789,455]
<u>DELAWARE</u>	<u>TOSCO REFINERY</u>	<u>543 CRUDE HEATER</u>	<u>044</u>	<u>101</u>	<u>0.55</u>	
<u>DELAWARE</u>	<u>TOSCO REFINERY</u>	<u>544 CRUDE HEATER</u>	<u>045</u>	<u>115</u>	<u>0.55</u>	
Delaware	PECO Energy - Eddystone	No. 1 Boiler	031	660 [663]	0.54	[5,571,014 ]
Delaware	PECO Energy - Eddystone	No. 2 Boiler	032	430 [432]	0.55	[3,629,294 ]
Delaware	PECO Energy - Eddystone	No. 3 Boiler	033	255 [257]	0.28	[2,153,713 ]
[Delaware	PECO Energy - Eddystone	No. 10 Gas Turbine	037	1	0.49	9,464 ]
[Delaware	PECO Energy - Eddystone	No. 20 Gas Turbine	038	1	0.48	7,560 ]
Delaware	PECO Energy - Eddystone	No. 30 Gas Turbine	039	2	0.48	[19,502 ]
Delaware	PECO Energy - Eddystone	No. 40 Gas Turbine	040	1	0.49	[9,450 ]



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Delaware	PECO Energy - Eddystone	No. 4 Boiler	041	<u>248</u> [249]	0.28	[2,089,539 ]
Delaware	Kimberly-Clark	Boiler No. 9	034	12	0.52	[264,600 ]
Delaware	Kimberly-Clark	10 Culm Cogen. Fbc Plant	035	<u>84</u> [85]	0.08	[1,602,169]
Delaware	Sun Refining & Marketing		089	86	0.09	[1,211,002 ]
Delaware	Sun Refining & Marketing		090	145	0.08	[4,927,837 ]
[Elk	Penntech Papers, Inc.	B&W Model Pm106 Boiler #6	038	0	0.00	0 ]
Elk	Penntech Papers, Inc.	B & W #81 Boiler	040	<u>102</u> [103]	0.83	[570,989 ]
Elk	Penntech Papers, Inc.	B&W #82 Boiler	041	109	0.83	[603,471 ]
Erie	General Electric Co.	B & W Boiler No. 2	032	26	1.01	[587,180 ]
Erie	International Paper Company	Coal Fired Boiler No. 21	037	68	0.58	[321,958 ]
Erie	Norcon Power Partners	Turbine 1	001	50	0.07	[1,483,488]
Erie	Norcon Power Partners	Turbine 2	002	50	0.07	[1,483,488 ]
Erie	Penelec - Front Street	Erie City Iron Works No. 7	031	5	0.92	[38,964 ]
Erie	Penelec -Front Street	Erie City Iron Works No. 8	032	5	0.90	[39,881 ]
Erie	Penelec - Front Street	Comb. Eng. Boiler No. 9	033	<u>133</u> [134]	0.57	[1,033,388 ]
Erie	Penelec -Front Street	Comb. Eng. Boiler No. 10	034	<u>133</u> [134]	0.57	[1,033,528 ]
Greene	West Penn Power - Hatfield's Ferry	Babcock & Wilcox	031	<u>3,969</u> [3,978]	1.04	[15,502,912]
Greene	West Penn Power - Hatfield's Ferry	Babcock & Wilcox	032	<u>3,694</u> [3,703]	1.04	[14,429,251 ]
Greene	West Penn Power - Hatfield's Ferry	Babcock & Wilcox	033	<u>2,154</u> [2,160]	1.04	[8,416,290 ]
Indiana	Penelec - Conemaugh	Boiler No. 1	031	<u>3,288</u> [3,295]	0.76	[20,130,686]
Indiana	Penelec - Conemaugh	Boiler No. 2	032	<u>4,187</u> [4,197]	0.76	[25,543,024 ]
Indiana	Penelec - Homer City	Boiler No. 1-Foster Wheelr	031	<u>3,160</u> [3,167]	1.20	[11,325,278 ]
Indiana	Penelec - Homer City	Boiler No. 2-Foster Wheelr	032	<u>3,978</u> [3,987]	1.20	[15,382,211 ]
Indiana	Penelec - Homer City	Boiler No. 3-B.& W.	033	<u>2,924</u> [2,931]	0.62	[21,951,003 ]
Indiana	Penelec - Seward	Boiler No. 12 (B&W)	032	<u>144</u> [145]	0.84	[849,307 ]
Indiana	Penelec - Seward	Boiler No. 14 (B&W)	033	146	0.83	[809,011 ]
Indiana	Penelec - Seward	Boiler No. 15 (Comb.Eng.)	931	<u>672</u> [673]	0.75	[4,155,275]
Lackawanna	Archbald Power Corporation	Cogen		<u>81</u> [82]	0.05	[818,013 ]
Lancaster	PP&L - Holtwood	Unit 17 Foster Wheeler	934	<u>806</u> [807]	1.20	[3,116,786]
Lawrence	Penn Power Co. - New Castle	Foster Wheeler	031	108	0.91	[553,994 ]
Lawrence	Penn Power Co. - New Castle	B.W. Boiler	032	97	0.91	[498,559 ]
Lawrence	Penn Power Co. - New Castle	Babcock And Wilcox	033	185	0.91	[947,292 ]
Lawrence	Penn Power Co. - New Castle	Babcock And Wilcox	034	339	0.91	[1,737,996]
Lawrence	Penn Power Co. - New Castle	Babcock And Wilcox	035	<u>620</u> [622]	0.91	[3,183,091 ]
Lehigh	PP&L - Allentown	CT 1		2	0.49	[10,329]
Lehigh	PP&L - Allentown	CT 2		3	0.49	[13,752]
Lehigh	PP&L - Allentown	CT 3		3	0.49	[14,215]
Lehigh	PP&L - Allentown	CT 4		3	0.49	[12,745]
Lycoming	PP&L - Williamsport	CT 1		3	0.49	[14,633]
Lycoming	PP&L - Williamsport	CT 2		3	0.49	[14,083]
Luzerne	Continental Energy Associates	Turbine		<u>267</u> [269]	0.13	[2,687,577 ]
Luzerne	Continental Energy Associates	HRSRG		<u>128</u> [129]	0.20	[1,288,248 ]
Luzerne	UGI Corp. - Hunlock Power	Foster Wheeler	031	<u>374</u> [375]	0.95	[1,821,127 ]

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Luzerne	PP&L - Jenkins	CT 1	3	0.49	[12,942]
Luzerne	PP&L - Jenkins	CT 2	2	0.49	[6,885]
Luzerne	PP&L - Harwood	CT 1	3	0.49	[14,194]
Luzerne	PP&L - Harwood	CT 2	3	0.49	[14,049]
Monroe	Met Edison Shawnee		3	0.59	[15,285]
Montgomery	Merck Sharp & Dohme	Cogen II Gas Turbine	039	79	0.16
Montour	PP&L - Montour	Montour No. 1	031	<u>3,568</u> [3,576]	0.85
Montour	PP&L - Montour	Montour No. 2	032	<u>4,696</u> [4,706]	1.07
Montour	PP&L - Montour	Aux.Start-Up Boiler No. 1	033	9	0.17
Montour	PP&L - Montour	Aux.Start-Up Boiler No. 2	034	7	0.17
Northampton	Bethlehem Steel Corp.	Boiler 1 Boiler House 2	041	<u>91</u> [90]	0.23
Northampton	Bethlehem Steel Corp.	Boiler 2 Boiler House 2	042	<u>91</u> [90]	0.23
Northampton	Bethlehem Steel Corp.	Boiler 3 Boiler House 2	067	<u>92</u> [91]	0.23
Northampton	Met Edison Co. - Portland	Unit No. 1	031	<u>462</u> [463]	0.59
Northampton	Met Edison Co. - Portland	Unit No. 2	032	<u>657</u> [658]	0.66
Northampton	Met Edison Co. - Portland	Combustion Turbine No. 3	033	1	0.53
Northampton	Met Edison Co. - Portland	Combustion Turbine No. 4	034	6	0.53
Northampton	Northampton Generating Company	Boiler	001	<u>209</u> [210]	0.10
Northampton	PP&L - Martins Creek	Foster-Wheeler Unit No. 1	031	<u>492</u> [493]	1.01
Northampton	PP&L - Martins Creek	Foster-Wheeler Unit No. 2	032	<u>459</u> [461]	0.91
Northampton	PP&L - Martins Creek	C-E Unit No. 3	033	<u>835</u> [837]	0.51
Northampton	PP&L - Martins Creek	C-E Unit No. 4	034	<u>739</u> [741]	0.51
Northampton	PP&L - Martins Creek	No. 4b Auxiliary Boiler	036	0	0.17
Northampton	PP&L - Martins Creek	Combustion Turbine No. 1	037	3	0.02
Northampton	PP&L - Martins Creek	Combustion Turbine No. 2	038	3	0.02
Northampton	PP&L - Martins Creek	Combustion Turbine No. 3	039	3	0.02
Northampton	PP&L - Martins Creek	Combustion Turbine No. 4	040	3	0.02
Northumberland	Foster Wheeler Mt. Carmel Cogen	Cogen	031	<u>195</u> [196]	0.10
<u>PHILADELPHIA</u>	<u>ALLIED SIGNAL</u>		<u>052</u>	<u>54</u>	<u>0.46</u>
Philadelphia	PECO Energy		037	28	0.60
Philadelphia	PECO Energy		038	37	0.60
Philadelphia	PECO Energy - Delaware		013	<u>112</u> [111]	0.45
Philadelphia	PECO Energy - Delaware		014	<u>130</u> [129]	0.45
[Philadelphia	PECO Energy - Delaware		015	1	0.67
[Philadelphia	PECO Energy - Delaware		016	1	0.67
[Philadelphia	PECO Energy - Delaware		017	1	0.67
Philadelphia	PECO Energy - Delaware		018	2	0.67
Philadelphia	PECO Energy - Schuylkill		003	<u>175</u> [174]	0.28
[Philadelphia	PECO Energy - Schuylkill		007	1	0.67
Philadelphia	PECO Energy - Schuylkill		008	0	0.67
Philadelphia	Trigen Energy Co - Sansom		001	31	0.45
Philadelphia	Trigen Energy Co - Sansom		002	27	0.45
Philadelphia	Trigen Energy Co - Sansom		003	12	0.45

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Philadelphia	Trigen Energy Co - Sansom		004	15	0.45	[155,123 ]
Philadelphia	Trigen Energy Co -Schuylkill		001	0	0.28	[511,191 ]
Philadelphia	Trigen Energy Co -Schuylkill		002	0	0.28	[228,162 ]
Philadelphia	Trigen Energy Co -Schuylkill		005	0	0.45	[248,138 ]
Philadelphia	U. S. Naval Base		098	1	0.14	[14,294 ]
Philadelphia	U. S. Naval Base		099	1	0.14	[1,960 ]
<u>PHILADELPHIA</u>	<u>SUN OIL - GIRARD POINT</u>	<u>GP BOILER 37</u>	<u>02-2,3</u>	<u>87</u>	<u>0.33</u>	
<u>PHILADELPHIA</u>	<u>SUN OIL - GIRARD POINT</u>	<u>GP BOILER 38</u>	<u>02-4,5</u>	<u>87</u>	<u>0.33</u>	
<u>PHILADELPHIA</u>	<u>SUN OIL - GIRARD POINT</u>	<u>GP BOILER 39</u>	<u>02-6,7</u>	<u>87</u>	<u>0.33</u>	
<u>PHILADELPHIA</u>	<u>SUN OIL - GIRARD POINT</u>	<u>GP BOILER 40</u>	<u>02-8,9</u>	<u>116</u>	<u>0.33</u>	
<u>PHILADELPHIA</u>	<u>SUN OIL - GIRARD POINT</u>	<u>GP F-1</u>	<u>002-2,3,4</u>	<u>91</u>	<u>0.27</u>	
<u>PHILADELPHIA</u>	<u>SUN OIL - POINT BREEZE</u>	<u>PB 3H-1</u>	<u>19/20</u>	<u>43</u>	<u>0.15</u>	
Philadelphia	Grays Ferry Project	Combustion Turbine		125 [126]		
Philadelphia	Grays Ferry Project	Heat Recovery Steam Gen		21		
Philadelphia	Grays Ferry Project	Boiler 25		80		
Schuylkill	Gilberton Power Company	Boiler		333 [335]	0.17	[3,352,372 ]
Schuylkill	Northeastern Power Company	CFB Boiler		201 [202]	0.06	[2,022,148 ]
[Schuylkill	Northeastern Power Company	Aux Boiler		0	0.27	1,396 ]
Schuylkill	Schuylkill Energy Resources	Boiler	031	348 [350]	0.20	[4,349,117 ]
Schuylkill	Westwood Energy Properties	Boiler		134 [135]	0.17	[1,351,408 ]
Schuylkill	Wheelabrator Frackville Energy Co	Boiler		203 [205]	0.14	[2,046,694 ]
Schuylkill	PP&L - Fishback	CT 1		2	0.49	[8,272]
Schuylkill	PP&L - Fishback	CT2		2	0.49	[7,217]
Snyder	PP&L - Sunbury	Sunbury SES Unit 1a	031	294 [295]	0.98	[1,455,641]
Snyder	PP&L - Sunbury	Sunbury SES Unit 1b	032	294 [295]	0.98	[1,455,641]
Snyder	PP&L - Sunbury	Sunbury SES Unit 2a	033	294 [295]	0.83	[1,455,641]
Snyder	PP&L - Sunbury	Sunbury SES Boiler 2b	034	294 [295]	0.83	[1,455,641]
Snyder	PP&L - Sunbury	Sunbury SES Unit No. 3	035	679 [681]	0.93	[3,363,299]
Snyder	PP&L -Sunbury	Sunbury SES Unit No. 4	036	821 [824]	0.99	[4,070,181]
[Snyder	PP&L - Sunbury	Diesel Generator 1	037	0	3.39	709]
[Snyder	PP&L - Sunbury	Diesel Generator 2	038	0	3.23	806]
Snyder	PP&L - Sunbury	Combustion Turbine 1	039	3	0.49	[14,581 ]
Snyder	PP&L - Sunbury	Combustion Turbine 2	040	3	0.49	[14,581 ]
Tioga	Penelec - Tioga		031	3	0.48	[30,267 ]
Vernango	Scrubgrass Power Plant	Unit 1	031	181 [182]	0.14	[1,816,817 ]
Vernango	Scrubgrass Power Plant	Unit 2	032	178 [179]	0.15	[1,790,997 ]
Warren	Penelec - Warren	Boiler No. 1	031	76	0.62	[569,825 ]
Warren	Penelec - Warren	Boiler No. 2	032	73	0.64	[546,534 ]
Warren	Penelec - Warren	Boiler No. 3	033	77	0.61	[572,007 ]
Warren	Penelec - Warren	Boiler No. 4	034	80	0.61	[596,377 ]
Warren	Penelec - Warren		001	10	0.69	[77,943 ]
Washington	Duquesne Light Co. - Elrama	No. 1 Boiler	031	333 [334]	0.87	[1,116,538 ]
Washington	Duquesne Light Co. - Elrama	No. 2 Boiler	032	332 [333]	0.90	[1,114,175 ]

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Washington	Duquesne Light Co. - Elrama	No. 3 Boiler	033	<u>445</u> [446]	0.87	[1,490,615 ]
Washington	Duquesne Light Co. - Elrama	No. 4 Boiler	034	<u>1,013</u> [1,016]	0.89	[3,398,150 ]
Washington	McGraw-Edison Co.	Foster-Wheeler	032	0	0.00	[0 ]
[Washington	Washington Power Co.	Boiler 1		155	0.15	2,068,438]
[Washington	Washington Power Co.	Boiler 2		155	0.15	2,068,438]
Washington	West Penn Power Co. - Mitchell	Combustion Eng Coal Unit	034	<u>929</u> [931]	0.72	[5,968,482 ]
Wayne	Penelec - Wayne		031	11	0.84	[62,736 ]
Wyoming	Procter & Gamble Paper Products Co.	Westinghouse 251B10	035	<u>245</u> [246]	0.68	[1,654,800 ]
York	Glatfelter, P.H. Co.	Number 4 Power Boiler	034	127	0.80	[978,985 ]
York	Glatfelter, P.H. Co.	Number 1 Power Boiler	035	85	0.80	[653,626]
York	Glatfelter, P.H. Co.	Number 5 Power Boiler	036	<u>231</u> [232]	0.29	[1,780,350]
York	Met Edison Tolna		031	4	0.59	[20,492 ]
York	Met Edison Tolna		032	4	0.59	[19,306 ]
York	PP&L -Brunner Island	Brunner Island 2	032	<u>1,470</u> [1,474]	0.69	[9,319,539]
York	PP&L - Brunner Island	Brunner Island Unit 1	931	<u>1,290</u> [1,294]	0.67	[8,178,891]
York	PP&L -Brunner Island	Brunner Island Unit 3	933	<u>2,906</u> [2,913]	0.78	[18,411,970]
[York	Solar Turbines, Inc	Turbine 1	031	33	0.19	355,420]
[York	Solar Turbines, Inc	Turbine 2	032	33	0.19	355,248]
[York	Solar Turbines, Inc	Turbine 3	033	33	0.19	357,626]
[York	Solar Turbines, Inc	Turbine 4	034	33	0.19	360,280]
[York	Solar Turbines, Inc	Turbine 5	035	33	0.19	357,488]
[York	Solar Turbines, Inc	Turbine 6	036	32	0.19	351,077]

**ENVIRONMENTAL QUALITY BOARD  
NOTICE OF PUBLIC HEARINGS**

**PROPOSED AMENDMENTS TO PENNSYLVANIA'S  
AIR QUALITY REGULATIONS AND THE STATE IMPLEMENTATION PLAN**

**Surface Coating Processes and Wood Furniture Manufacturing Operations (RBI #4)**

The Environmental Quality Board (EQB) will hold four public hearings to accept comments on the fourth in a series of regulatory proposals implementing changes to Pennsylvania's air resource regulations resulting from the Regulatory Basics Initiative (RBI). The RBI began in August 1995 with the Department of Environmental Protection's (DEP) review of existing regulations to determine those which were more stringent than federal law and regulations, those which lacked clarity, and those which imposed disproportionate costs on the regulated community.

This proposal clarifies existing requirements in Chapter 129.52 for surface coating processes by adding equations necessary for calculating the allowable VOC emission limitations for each surface coating process category. The proposal also revises Table I of Chapter 129 by adding solids-based compliance limits, allows monthly averaging to determine dip tank compliance and provides an exemption for small-quantity coating use, primarily for touch-up and repair. New requirements are added for wood furniture manufacturing operations that emit or have the potential to emit 25 tons per year (tpy) or more of VOCs. These requirements are based on the Environmental Protection Agency's (EPA) Control Techniques Guidelines (CTG) for the industry which were issued in May 1996. The regulation, if approved, will be submitted to the Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).

Specific comment is requested on two issues: 1) whether to require wood furniture manufacturing facilities with a potential to emit 25 tpy or more of VOCs to comply with both the surface coating requirements and the proposed presumptive reasonably available control technology (RACT) requirements, and 2) whether to adopt the general reporting requirements in 40 CFR Sections 63.7-63.10, which specify timeframes for reporting performance test results, monitoring parameter values, and excess performance test results.

The hearings will be held at 10:00 a.m. as follows:

April 6, 1999	Department of Environmental Protection Southwest Regional Office 400 Waterfront Drive Pittsburgh, Pa.
April 7, 1999	Department of Environmental Protection Southcentral Regional Office Susquehanna River Conference Room 909 Elmerton Avenue Harrisburg, Pa.
April 8, 1999	Department of Environmental Protection Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, Pa.
April 9, 1999	Department of Environmental Protection Northcentral Regional Office 208 W. Third Street Williamsport, Pa.

Refer to the Public Comments section of this notice for information on presenting testimony and submitting comments on this proposal.

April 8, 1999

Department of Environmental Protection  
Southeast Regional Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, Pa.

### **Public Comments**

Persons wishing to present testimony at any of the hearings are requested to contact Kate Coleman at the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to ten minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chair at the hearing. Each organization is limited to designating one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation in order to participate should contact Kate Coleman at (717) 787-4526, or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD), to discuss how their needs may be accommodated.

In lieu of or in addition to presenting oral testimony at the hearing, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments on the proposals must be received by May 10, 1999. Comments submitted by facsimile will not be accepted. Electronic comments may be submitted to [RegComments@dep.state.pa.us](mailto:RegComments@dep.state.pa.us). In addition to written or electronic comments, interested persons may submit summaries of their comments to the EQB. The summaries cannot exceed one page in length and must also be received by May 10, 1999. The one-page summaries will be provided to each member of the EQB in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

### **Copies of the Proposals**

Copies of the proposals are available from Vickie Walters, Division of Air Resource Management, Bureau of Air Quality, P.O. Box 8468, Harrisburg, PA 17105-8468, at (717) 787-9495 (e-mail: [Walters.Vickie@a1.dep.state.pa.us](mailto:Walters.Vickie@a1.dep.state.pa.us)). These proposals are also available on the DEP Website at <http://www.dep.state.pa.us> (choose Public Participation Center, Proposals Open for Comment).

JAMES M. SEIF  
Chairman



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063  
February 17, 1999

The Secretary

717-787-2814

Mr. Robert E. Nyce  
Executive Director  
Independent Regulatory Review Commission  
14th Floor, Harristown II  
Harrisburg, PA 17101

RE: Proposed Rulemaking: Amendments to NOx Allowance Requirements (#7-343)

Dear Bob:

Enclosed is a copy of a proposed regulation for review and comment by the Commission pursuant to Section 5(a) of the Regulatory Review Act. This proposal is scheduled for publication as a proposed rulemaking in the *Pennsylvania Bulletin* on March 6, 1999, with a 65-day public comment period. Three public hearings have been scheduled as indicated on the enclosed public notice. This proposal was approved by the Environmental Quality Board (EQB) on December 15, 1998.

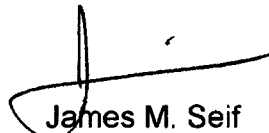
The proposed amendments correct accounting errors contained in Appendix E of the nitrogen oxides (NOx) allowance regulations that were published as final rulemaking on November 1, 1997. The regulations establish a program for the regulation of sources which emit NOx and create a trading program for NOx allowances. The rulemaking adds missing sources to Appendix E; clarifies that the definition of "NOx-affected source" is applicable to fossil-fired operating units which generate greater than 15 megawatts of electricity; corrects an accounting error in Appendix E; eliminates the special allocation for Washington Power project since its plan approval expired; deletes the listing of "baseline mmBtu" in Appendix E; and modifies the listing of "baseline NOx lb/mmBtu."

The Air Quality Technical Advisory Committee (AQTAC) reviewed and supported the proposal.

The Department will provide the Commission with any assistance required to facilitate a thorough review of this proposal. Section 5(g) of the Act provides that the Commission may, within ten days after the expiration of the Committee review period, notify the agency of any objections to the proposed regulation. The Department will consider any comments or suggestions received by the Commission, together with Committee and other public comments prior to final adoption.

For additional information, please contact Sharon Freeman, Regulatory Coordinator, at 783-1303.

Sincerely,



James M. Seif  
Secretary

Enclosures



**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

RECEIVED

I.D. NUMBER: 7-343

99 FEB 17 PM 12:17

SUBJECT: Corrections to Nitrogen Oxides Allowance Requirements

INDEPENDENT REGULATORY  
REVIEW COMMISSION

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

**TYPE OF REGULATION**

☒ Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions

**FILING OF REGULATION**

DATE SIGNATURE

DESIGNATION

2/17/99 [Signature] DeSkey

HOUSE COMMITTEE ON ENVIRONMENTAL  
RESOURCES & ENERGY

[Signature] White

SENATE COMMITTEE ON ENVIRONMENTAL  
RESOURCES & ENERGY

2/17/99 Kim C. Garner

INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL

2/17/99 Mayra Garces

LEGISLATIVE REFERENCE BUREAU

January 12, 1999