

combustion units" unclear. The sources covered by this requirement include stoker and cyclone combustion units which do not have "burners" as such. It is unclear how the low NO_x burner requirement would apply to these sources. Pennsylvania may correct this deficiency by clarifying the language in Chapter 129.93 pertaining to "coal-fired combustion units" or by amending its definition (in Chapter 121) of low NO_x burners with separated overfire air to describe the applicable requirements in the situation where a combustion unit does not have burners.

II. RACT Proposal Requirements

Chapter 129.92 requires sources to provide information on the emission reduction, technological feasibility, and cost of control option. This requirement is consistent with EPA's definition of RACT as the lowest emission limitation that a source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. See NO_x Supplement to the General Preamble on Title I, 57 FR 55620, 55622-23 (Nov. 25, 1992); CTG Supplement to General Preamble on SIP Revisions in Nonattainment areas, 44 FR 53761, 53762 (Sept. 17, 1979); "Guidance for Determining Acceptability of SIP regulations in Non-Attainment Areas," Memorandum of Roger Strelow, Assistant Administrator for Air and Waste Management, December 9, 1976). As noted below, however, the agency believes that there is a significant issue as to whether Pennsylvania's generic RACT provision complies with Clean Air Act requirements.

III. Generic VOC and NO_x RACT Requirements

Chapter 129.91 contains Pennsylvania's generic, or "case-by-case," RACT provisions. Under this approach, the covered sources are not subject to specific, "upfront" (i.e., immediately ascertainable) emission limitations. Instead, the regulations establish a process for the state to review and approve individual RACT emission limitations proposed by the sources, which are then to be submitted to EPA as SIP revisions. Since the wood furniture emission standards contained in the existing Pennsylvania regulation have not been federally approved, Chapter 129.91 states that wood furniture sources are required to comply with the RACT requirements of Chapter 129.91.

Pennsylvania believes that the case-by-case approach is consistent with the RACT requirements of the Clean Air

Act. Pennsylvania notes that section 172(c)(1) requires that nonattainment plan provisions "shall provide for the implementation of [RACT] as expeditiously as practicable * * *" Section 182(b)(2) provides that SIP submittals for moderate ozone nonattainment areas shall "include provisions to require the implementation of [RACT]," and further requires that the submittals "provide for the implementation of required measures as expeditiously as practicable, but no later than May 31, 1995." (Emphasis added.) Pennsylvania asserts that its submittal satisfies these requirements, as its generic RACT provision requires approved RACT programs to be implemented by May 31, 1995. Pennsylvania also believes that its case-by-case approach complies with EPA's definition of RACT, which directs states to consider the economic and technological circumstances of the regulated sources.

However, EPA believes that the more reasonable interpretation of the statutory requirements, and the one that accords with EPA's longstanding definition of RACT, is that RACT submittals must include specific, upfront emission limitations for all covered sources, rather than a process leading to the development of emission limitations at some later date. EPA defines RACT as the lowest emission limitation that a source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. See Memorandum of Roger Strelow, Assistant Administrator for Air and Waste Management, December 9, 1976); NO_x Supplement to the General Preamble on Title I, 57 FR 55620, 55622-23 (Nov. 25, 1992). Section 302 of the Act in turn defines "emission limitation" as "a requirement * * * which limits the quantity, rate, or concentration of air pollutants on a continuous basis, * * *, and any design, equipment, work practice or operational standard promulgated under this chapter." Under Sections 110(a)(2)(A) and 172(c)(6) of the Act, emission limitations must be "enforceable," and Section 107(d)(3)(E)(iii) further requires that emission reductions be "permanent and enforceable" in order to be creditable for attainment demonstration. Process-oriented generic RACT submittals such as Pennsylvania's, which do not include specific and ascertainable emission limitations, do not by themselves provide enforceable standards. The source becomes subject to federally enforceable requirements only after EPA

approves a subsequent SIP revision incorporating the source-specific RACT regulations promulgated by the state.

Furthermore, EPA believes that the May 31, 1995 RACT implementation deadline specified in Section 182(b)(2) of the Act does not authorize states to delay the promulgation of RACT standards beyond the SIP submittal deadline of November 15, 1992. To the contrary, EPA believes that the extended implementation deadline was designed to give sources an adequate opportunity to understand and comply with newly-promulgated RACT standards, and to give EPA an opportunity to review RACT submittals prior to the implementation date. These objectives may not be served by Pennsylvania's generic RACT provisions, under which the Commonwealth will not be in a position to submit case-by-case RACT emission limitations as SIP revisions until some months after July 15, 1994 (the date that sources are required to submit RACT proposals to PA DER).

IV. Presumptive NO_x RACT Requirements

Pennsylvania gives major NO_x sources the option of complying with the "presumptive RACT emission limitations" of Chapter 129.93 as an alternative to developing and implementing a RACT limit on a case-by-case basis. The proposed presumptive RACT in Chapter 129.93(c)(3) for internal combustion engines, which requires the engines to be set and maintained at 4° retarded relative to standard timing is acceptable to EPA. Standard timing is typically defined as 2 to 6° before top dead center. EPA agrees with Pennsylvania's proposal for internal combustion engines, which is an operation and maintenance requirement and applicable recordkeeping requirement, and believes that this may constitute RACT for these sources. Pennsylvania's operation and maintenance requirements for internal combustion engines, coupled with the applicable recordkeeping requirements, is acceptable to EPA as RACT.

EPA has identified deficiencies in the other presumptive RACT emission limitations of Chapter 129.93. For coal-fired combustion units (100mmBTU/hour or greater), Chapter 129.93(b)(1) provides that presumptive RACT is low NO_x burners with separated overfire air control technology. Although EPA accepts Pennsylvania's determination that this technology constitutes RACT for this source category, the agency believes it is necessary and appropriate to quantify the emission reduction required to be obtained through this