

(1) Clarify, and submit as a SIP revision, the applicability of the presumptive RACT requirement for coal-fired combustion units,

(2) Submit SIP revisions to EPA including the specific emission limitations resulting from the application of low NO_x burners with separated overfire air for those sources choosing to meet RACT requirements through Chapter 129.93(b), and,

(3) Submit SIP revisions to EPA, with adequate technical support, correcting the deficiencies identified in Chapters 129.93 (b)(2), (c)(1), (2), (4), (5), (6) and (7). To the extent that Pennsylvania proposes operation and maintenance requirements for these sources, the state must provide technical support showing that specific numerical emission limitations are impractical, and demonstrating that the proposed operation and maintenance requirements qualify as RACT.

To correct the deficiency with the generic RACT provision under Option #1, Pennsylvania must provide emission limitations, compliance and monitoring requirements (along with adequate technical justification for these requirements) for all major VOC and NO_x sources required to implement RACT. To ensure that all sources are subject to RACT requirements, Pennsylvania must either (1) submit all case-by-case RACT proposals for all covered sources to EPA for approval as SIP revisions and certify that there are no other sources required to implement RACT, or (2) submit a "default" RACT emission limitation that would apply to all sources subject to the generic provision until EPA approval of a source-specific RACT SIP revision.

EPA has preliminarily determined that this option is correct, but will review public comment on this and other outcomes before making a final determination.

Option #2

Under the limited approval/limited disapproval option #2, EPA would be determining, for the reasons stated above, that the Pennsylvania regulation with the presumptive control technology requirements can be approved and disapproved in a limited fashion for the same reasons given under option #1. However, EPA would be determining under option #2 that the case-by-case SIP revision provision of the Pennsylvania submittal meets the RACT requirements of section 182(b)(2) of the CAA and provides sufficient safeguards to ensure that RACT is implemented by May 31, 1995. The difference between this option and the first option is that EPA, while expecting

to receive the case-by-case RACT proposals as specified by the Pennsylvania regulation, would not consider the lack of submittal of these proposals at this time to be reason for limited disapproval of the submitted Pennsylvania regulation. Therefore, under this option, Pennsylvania may correct the deficiencies in the regulation by:

(1) Clarifying, and submitting as a SIP revision, the applicability of the presumptive RACT requirement for coal-fired combustion units,

(2) Submitting SIP revisions to EPA including the specific emission limitations resulting from the application of low NO_x burners with separated overfire air for those sources choosing to meet RACT requirements through Chapter 129.93(b), and

(3) Submitting SIP revisions to EPA, with adequate technical support, correcting the deficiencies identified in Chapters 129.93(b)(2), (c)(1), (2), (4), (5), (6) and (7). To the extent that Pennsylvania proposes operation and maintenance requirements for these sources, the state must provide technical support showing that specific numerical emission limitations are impractical, and demonstrating that the proposed operation and maintenance requirements qualify as RACT.

Option #3

In its third alternative, EPA is proposing to fully disapprove Chapter 129.91, pertaining to applicability, Chapter 129.92, pertaining to VOC and NO_x RACT submittals, Chapter 129.93, pertaining to presumptive RACT control technology requirements, Chapter 129.94, pertaining to NO_x RACT averaging provisions, and Chapter 129.95, pertaining to VOC and NO_x source recordkeeping requirements. The rationale for full disapproval would be that the deficiencies outlined above pertaining to the presumptive control technology requirements and the case-by-case SIP revision provisions of the Pennsylvania regulation are so significant that limited approval/limited disapproval of the submittal, on the grounds that it strengthens the SIP, is not warranted.

Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway

funding and offsets. The 18 month period referred to in section 179(a) will begin on the effective date of a final disapproval. Moreover, the final disapproval triggers the federal implementation plan (FIP) requirement under section 110(c). The sanctions will apply if the Pennsylvania submittal is disapproved fully or in a limited fashion.

If EPA decides to issue a limited approval/limited disapproval pursuant to Options #1 or #2, EPA intends to conduct final limited approval/limited disapproval rulemaking on the Pennsylvania regulation without further proposal. If Pennsylvania chooses to make modifications to their RACT regulation, by correcting definitions and adding default emission limitation requirements for all major VOC and NO_x sources, EPA will conduct rulemaking appropriate to our preliminary judgment on the approvability of the substance of any subsequent submittal. Under the limited approval/limited disapproval options, to the extent that any subsequent Pennsylvania submittal modifying the February 10, 1994 submittal is made, EPA intends to finalize, without further proposal, limited approval/limited disapproval of the regulation that remains unaffected by the subsequent submittal.

If EPA decides to fully disapprove the regulation pursuant to Option #3, EPA intends to disapprove the submittal without further proposal unless Pennsylvania either (a) submits all case by-case RACT determinations to EPA and certifies that there are no other subject sources, or (b) modifies their regulation to add default emission limitations for all major VOC and NO_x sources.

If Pennsylvania submits a regulation subsequent to this notice and withdraws the present submittal, EPA intends to propose action on the new submittal.

EPA has proposed three actions and is specifically soliciting comment on these actions and the rationale provided as the basis for each of those actions. A consequence of adopting options #1 or #3 in the final rulemaking is that future RACT submittals with generic provisions may be deemed inadequate to meet the RACT requirements of section 182(b)(2). Such a decision will significantly impact future determinations as to whether such generic RACT regulation submittals meet the completeness criteria in 40 CFR Part 51 Appendix V. Further discussion of the Pennsylvania submittal and rationale for these proposals is contained in the