



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2013-0055; FRL- 9785-3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for Allegheny County Health Department (ACHD). This SIP revision consists of a demonstration that Allegheny County's portion of the Pennsylvania requirements of reasonably available control technology (RACT) for nitrogen oxides (NO_x) and volatile organic compounds (VOCs) satisfies the RACT requirements set forth by the Clean Air Act (CAA). This SIP revision demonstrates that all requirements for RACT are met either through Certification that previously adopted RACT controls in Allegheny County's SIP that were approved by EPA under the 1-hour ozone national ambient air quality standards (NAAQS) are based on the currently available technically and economically feasible controls, and continue to represent RACT for the 8-hour ozone NAAQS, a negative declaration demonstrating that no facilities exist in Allegheny County for certain control technology guideline (CTG) categories; and a new RACT determination for a specific source. This action is being taken under the CAA.

DATES: Written comments must be received on or before [insert date 30 days from date of publication].

ADDRESSES: Submit your comments, identified by Docket ID Number **EPA-R03-OAR-2013-0055** by one of the following methods:

- A. www.regulations.gov. Follow the on-line instructions for submitting comments.
- B. E-mail: Fernandez.cristina@epa.gov.
- C. Mail: **EPA-R03-OAR-2013-0055**, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.
- D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. **EPA-R03-OAR-2013-0055**. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you

submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the www.regulations.gov index.

Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201. Copies are also available at Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Emlyn Velez-Rosa, (215) 814-2038, or by e-mail at Velez-Rosa.Emlyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Ozone is formed in the atmosphere by photochemical reactions between VOC, NO_x, and carbon monoxide (CO) in the presence of sunlight. In order to reduce ozone concentrations in the ambient air, the CAA requires all nonattainment areas to apply controls on VOC/NO_x emission sources to achieve emission reductions.

Since the 1970s, EPA has consistently interpreted RACT to mean the lowest emission limit that a particular source is capable of meeting by the application of the control technology that is reasonably available considering technological and economic feasibility. *See* 72 FR 20586, 20610 (April 25, 2007). Section 182 of the CAA sets forth two separate RACT requirements for ozone nonattainment areas. The first requirement, contained in section 182(a)(2)(A) of the CAA, and referred to as RACT fix-up, requires the correction of RACT rules for which EPA identified deficiencies before the CAA was amended in 1990. The Pennsylvania RACT fix-up SIP submittal was approved with a conditional limited approval on March 23, 1998 (63 FR 13789) and later converted to a full approval on October 22, 2008 (73 FR 62891).

The second requirement, set forth in section 182(b)(2) of the CAA, applies to moderate (or worse) ozone nonattainment areas and attainment areas in the ozone transport region (OTR) established pursuant to section 184 of the CAA. These areas are required to implement RACT controls on all major VOC and NO_x emission sources and on all sources and source categories covered by a CTG issued by EPA. Allegheny County has adopted all CTGs and they are listed

in Section II of this notice. Further details of Allegheny County's RACT requirements can be found in a Technical Support Document (TSD) prepared for this rulemaking and included in the docket at **EPA-R03-OAR-2013-0055**.

Section 182(b)(2) of the CAA required Allegheny County to implement RACT on all sources and source categories covered by a CTG issued by EPA. Stationary sources with the potential to emit 50 tons per year or more of VOCs or 100 tons per year or more of NO_x that were not covered by a CTG were also required to implement RACT.

The ozone transport region (OTR) is established by section 184 of the CAA. Areas in the OTR are subject to OTR-specific RACT requirements. Section 184(b)(1)(B) of the CAA requires the implementation of RACT with respect to all sources of VOC covered by a CTG. Additionally, section 184(b)(2) of the CAA requires the implementation of major stationary source requirements as if the area was a moderate nonattainment area on any stationary source with a potential to emit at least 50 tons per year of VOC or 100 tons per year of NO_x. Because Allegheny County is in Pennsylvania which is in the OTR, Allegheny County must comply with section 184(b)(1)(B) and (2) of the CAA.

EPA requires for the 8-hour ozone NAAQS that states meet the CAA RACT requirements, either through a certification that previously adopted RACT controls in their SIP approved by EPA under the 1-hour ozone NAAQS represent adequate RACT control levels for 8-hour ozone NAAQS attainment purposes or through the establishment of new or more stringent

requirements that represent RACT control levels. *See Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard--Phase 2; Final Rule To Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as They Apply in Carbon Monoxide, Particulate Matter and Ozone NAAQS; Final Rule for Reformulated Gasoline (Phase 2 Rule)*, 70 FR 71612, 71655 (November 29, 2005).

Sections 172(c)(1) and 182(b)(2) of the CAA require that all SIPs satisfy the NO_x and VOCs RACT requirements that apply in areas that have not attained the NAAQS for ozone. *See* 42 U.S.C. 7502(c)(1), 7511a(b)(2), and 7511a(f). EPA has determined that states that have RACT provisions approved in their SIPs for 1-hour ozone nonattainment areas have several options for fulfilling the RACT requirements for the 8-hour ozone NAAQS. If a state meets certain conditions, it may certify that previously adopted 1-hour ozone RACT controls in the SIP continue to represent RACT control levels for purposes of fulfilling 8-hour ozone RACT requirements. Alternatively, a state may establish new or more stringent requirements that represent RACT control levels, either in lieu of or in conjunction with a certification.

As set forth in the preamble to the Phase 2 Rule, a certification must be accompanied by appropriate supporting information such as consideration of information received during the public comment period and consideration of new data (70 FR 71612, 71655). This information may supplement existing RACT guidance documents that were developed for the 1-hour ozone standard, such that the state's SIP accurately reflects RACT for the 8-hour ozone standard based on the current availability of technically and economically feasible controls. Establishment of new RACT requirements will occur when states have new stationary sources not covered by

existing RACT regulations, or when new data or technical information indicates that a previously adopted RACT measure does not represent a newly available RACT control level. Another 8-hour ozone NAAQS requirement for RACT is to submit a negative declaration if there are no CTG sources or major sources of VOC and NO_x emissions in lieu of or in addition to a certification.

II. Summary of the SIP Revision

On May 5, 2009, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision on behalf of ACHD for its SIP that addresses the requirements of RACT under the 8-hour ozone NAAQS set forth by the CAA. Allegheny County's SIP revision is consistent with the process in the Phase 2 Rule preamble and satisfies the requirements of RACT set forth by the CAA under the 8-hour ozone NAAQS through: (1) Certification that previously adopted RACT controls in Allegheny County's SIP, which were approved by EPA under the 1-hour ozone NAAQS, are based on the currently available, technically and economically feasible controls and continue to represent RACT for the 8-hour ozone NAAQS; (2) a negative declaration demonstrating that no facilities exist in Allegheny County for the applicable CTG categories; and (3) a new RACT determination for a single source based upon reliance on the Maximum Achievable Control Technology (MACT) standard as allowed in the Phase 2 Rule.

A. VOC CTG RACT Controls

Allegheny County's Regulations, codified at Article XXI, contain the County's CTG VOC RACT controls that were implemented and approved in the Allegheny County SIP under the 1-hour ozone NAAQS. Table 1 lists Allegheny County's VOC RACT controls for which

Allegheny County has provided the required evaluation and is certifying as meeting the 8-hour ozone NAAQS RACT requirements. Revisions to Article XXI section 2105.10 for surface coating processes and related definitions found in Article XXI section 2101.20 were made after this May 5, 2009 SIP submittal and approved by EPA into the Pennsylvania SIP on December 28, 2010 (75 FR 81480) and supersede the May 5, 2009 submittal. EPA approved new regulations in the December 28, 2010 rulemaking action including emission limits for Large Appliance and Metal Surface Coatings, Article XXI section 2105.77 and emission limits for Paper, Film, and Foil Surface Coatings, Article XXI section 2105.79. Allegheny County also incorporated by reference Pennsylvania’s Consumer Products Rule that amended Article XXI section 2105.88, which was finalized by EPA on November 29, 2012 (77 FR 71115) and supersedes the May 5, 2009 submittal. In this proposal EPA is not taking action on those CTG Rules below that have been revised and approved by EPA after the May 5, 2009 submittal.

Table 1. Allegheny County’s CTG VOC RACT Controls				
Article XXI Section	Existing Stationary Sources – 40 CFR 52.2020(c)			
	CTG for RACT Basis	State Effective Date	Federal Register Date for SIP Approval	Citation
2105.10 VOC Sources Surface Coating Processes	Control of Volatile Organic Emissions from Existing Stationary Sources, Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks	10/20/1995	11/14/2002	67 FR 68935
	Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture	07/10/03	06/24/2005	70 FR 36511
	Control of Volatile Organic			

	<p>Emissions from Existing Stationary Sources, Volume IV: Surface Coating for Insulation of Magnet Wire</p> <p>Control of Volatile Organic Emissions from Existing Stationary Sources, Volume V: Surface Coating of Large Appliances</p> <p>Control of Volatile Organic Emissions from Existing Stationary Sources, Volume VI: Surface Coating of Miscellaneous Metal Parts and Products</p>			
2105.11 VOC Sources Graphic Arts Systems	Control of Volatile Organic Emissions from Existing Stationary Sources, Volume VIII: Graphic Arts – Rotogravure and Flexography	10/20/1995	11/14/2002	67 FR 68935
2105.12 VOC Sources VOC Storage Tanks	Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks	10/20/1995	11/14/2002	67 FR 68935
2105.13 Gasoline Loading Facilities	<p>Control of Volatile Organic Emissions from Bulk Gasoline Plants</p> <p>Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations</p>	10/20/1995	11/14/2002	67 FR 68935
2105.15 Degreasing Operations	Control of Volatile Organic Emissions from Solvent Metal Cleaning	10/20/1995	11/14/2002	67 FR 68935
2105.16 Cutback Asphalt Paving	Control of Volatile Organic Compounds from Use of Cutback Asphalt	10/20/1995	11/14/2002	67 FR 68935
2105.17 Ethylene Production Facilities		10/20/1995	11/14/2002	67 FR 68935

2105.19 Synthetic Organic Chemical and Polymer Manufacturing – Fugitive Emissions	Control of Volatile Organic Compound Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment	10/20/1995	11/14/2002	67 FR 68935
2105.70 Petroleum Refineries		10/20/1995	11/14/2002	67 FR 68935
2105.71 Pharmaceutica l Products	Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products	10/20/1995	11/14/2002	67 FR 68935
2105.72 Manufacture of Pneumatic Rubber Tires	Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires	10/20/1995	11/14/2002	67 FR 68935
2105.74 Aerospace Manufacturing and Rework	Aerospace	07/10/2003	06/24/2005	70 FR 36511
2105.75 Mobile Equipment Repair and Refinishing	ACT: Automobile Body refinishing	07/10/2003	06/24/2005	70 FR 36511
2105.76 Wood Furniture Manufacturing Operations	Wood Furniture	07/10/2003	06/24/2005	70 FR 36511

ACHD also submitted a negative declaration certifying that the following VOC CTG sources listed in table 2 do not exist in Allegheny County, and therefore ACHD does not need to adopt CTGs for these sources. Table 2 lists VOC CTG sources in Allegheny County’s negative declaration.

Table 2. VOC CTG sources for which no Applicable Facilities Exist in Allegheny County
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Control of Volatile Organic Compound Emissions form Large Petroleum Dry Cleaners
Control of Volatile Organic Emissions from Existing Stationary Sources, Volume II: Factory Surface Coating of Flat Wood Paneling
Control of Volatile Organic Compound Equipment Leaks form Natural Gas/Gasoline Processing Plants
Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry
Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry
Control Techniques Guidelines for Shipbuilding and Ship Repair Operations

B. Source-Specific RACT Controls

Table 3 lists Allegheny County’s source-specific RACT controls, which were implemented and approved into the SIP under the 1-hour ozone NAAQS, for which Allegheny County is certifying as meeting the 8-hr ozone NAAQS RACT requirements for VOC and/or NOx. EPA approved into the Pennsylvania SIP new NOx emission control regulation for Glass Melting Furnaces in Allegheny County on November 29, 2012 (77 FR 71117) which regulation supersedes the source-specific RACT determinations submitted in the May 5, 2009 submittal for sources where Article XXI, section 2105.101 is applicable. Allegheny County submitted a revision on January 25, 2012 removing all references to the cap and trade programs, NOx SIP Call or Clean Air Interstate Rule (CAIR) because it certified that those electrical generating units (EGUs) subject to such programs have source-specific RACT controls that do not rely on the trading programs and because the U.S. Court of Appeals for the District of Columbia Circuit ruled in the *National Resources Defense Council vs. EPA*, 571 F.3d 1245, 1256 (July 10, 2009), that “regionwide RACT-level reductions in emissions do not meet the statutory requirement that the reductions be from sources in the nonattainment area.”

Table 3. Source-specific RACT Controls				
Facility Name	State Effective Date	Pollutant	Federal Register Date	Citation
Allegheny Ludlum Corporation	12/19/1996	NOx/VOC	10/18/2001	66 FR 52857
Ashland Specialty Chemical Co.	12/30/1996	NOx/VOC	10/16/2001	66 FR 52506
Bay Valley Foods	06/09/2005	NOx	05/11/2006	71 FR 27394
Bellefield Boiler Plant	12/19/1996	NOx	10/12/2001	66 FR 52044
Eastman Chemical Resins, Inc.	11/01/1999	NOx/VOC	10/16/2001	66 FR 52506
GE Lighting LLC	12/19/1996	NOx	10/16/2001	66 FR 52527
Guardian Industries Corp.	08/27/1996	NOx	10/16/2001	66 FR 52527
Koppers Industries, Inc.	08/27/1996	VOC	10/17/2001	66 FR 52700
Neville Chemical Co.	12/13/1996	NOx/VOC	10/16/2001	66 FR 52506
NRG Energy Center	06/09/2005	NOx	05/11/2006	71 FR 27394
Orion Power Brunot Island	08/27/1996	NOx/VOC	10/15/2001	66 FR 52327
Orion Power Cheswick	03/08/1996	NOx	10/18/2001	66 FR 52867
PACT – Pennsylvania Allegheny County Thermal	03/04/1996	NOx	10/12/2001	66 FR 52044
Port Glenshaw Glass, LLC	03/10/2000	NOx/VOC	10/16/2001	66 FR 52527
PPG Industries, Inc Springdale	12/19/1996	VOC	10/12/2001	66 FR 52050
Pressure Chemical Company	06/11/1997	VOC	10/17/2001	66 FR 52700
Shenango Inc.	12/30/1996	NOx/VOC	10/16/2001	66 FR 52511
US Steel Clairton	12/30/1996	NOx/VOC	10/16/2001	66 FR 52511

US Steel Edgar Thomas	12/30/1996	NOx/VOC	10/16/2001	66 FR 52511
US Steel Irvin	12/30/1996	NOx/VOC	10/16/2001	66 FR 52511

Finally, the Laurel Mountain Whirlpool facility did not have a 1-hour ozone NAAQS RACT determination, but is subject to the MACT standards of 40 CFR 63 subpart WWWW, which has been determined sufficient for VOC 8-hour ozone NAAQS RACT in accordance with the Phase 2 Rule. Further details of ACHD's RACT re-evaluations can be found in the TSD prepared for this rulemaking.

III. Proposed Action

EPA is proposing to approve the ACHD SIP revision that addresses the requirements of RACT under the 8-hour ozone NAAQS, which was submitted on May 5, 2009. This SIP revision includes a combination of: (1) Certifications that previously adopted RACT controls in Pennsylvania's SIP which were approved by EPA under the 1-hour ozone NAAQS are based on the currently available, technically and economically feasible controls and continue to represent RACT for the 8-hour ozone NAAQS; (2) a negative declaration demonstrating that no facilities exist in Allegheny County for the applicable CTG categories; and (3) a new RACT determination for a single source. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with

the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the Allegheny County RACT SIP is not

approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 et seq.

Dated: February 14, 2013.

Shawn M. Garvin,
Regional Administrator,
Region III.

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