

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 129. STANDARDS FOR SOURCES ADDITIONAL RACT REQUIREMENTS  
FOR MAJOR SOURCES OF NO<sub>x</sub> AND VOCs**

**§ 129.98. Facility-wide or system-wide NO<sub>x</sub> emissions averaging plan general requirements.** – (conditionally approved)

(a) The owner or operator of a major NO<sub>x</sub> emitting facility subject to § 129.96 (relating to applicability) that includes at least one air contamination source subject to a NO<sub>x</sub> RACT emission limitation in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) that cannot meet the applicable NO<sub>x</sub> RACT emission limitation may elect to meet the applicable NO<sub>x</sub> RACT emission limitation in § 129.97 by averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average. System-wide emissions averaging must be among sources under common control of the same owner or operator within the same ozone nonattainment area in this Commonwealth.

(b) The owner or operator of each facility that elects to comply with subsection (a) shall submit a written NO<sub>x</sub> emissions averaging plan to the Department or appropriate approved local air pollution control agency as part of an application for an operating permit modification or a plan approval, if otherwise required. The application incorporating the requirements of this section shall be submitted by the applicable date as follows:

(1) October 24, 2016, for a source subject to § 129.96(a).

(2) October 24, 2016, or 6 months after the date that the source meets the definition of a major NO<sub>x</sub> emitting facility, whichever is later, for a source subject to § 129.96(b).

(c) Each NO<sub>x</sub> air contamination source included in the application for an operating permit modification or a plan approval, if otherwise required, for averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must be an air contamination source subject to a NO<sub>x</sub> RACT emission limitation in § 129.97.

(d) The application for the operating permit modification or the plan approval, if otherwise required, for averaging NO<sub>x</sub> emissions on either a facility-wide or system-wide basis using a 30-day rolling average submitted under subsection (b) must demonstrate that the aggregate NO<sub>x</sub> emissions emitted by the air contamination sources included in the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan using a 30-day rolling average are not greater than the NO<sub>x</sub> emissions that would be emitted by the group of included sources if each source complied with the applicable NO<sub>x</sub> RACT emission limitation in § 129.97 on a source-specific basis.

(e) The owner or operator shall calculate the alternative facility-wide or system-wide NO<sub>x</sub> RACT emissions limitation using a 30-day rolling average for the air contamination sources

included in the application for the operating permit modification or plan approval, if otherwise required, submitted under subsection (b) by using the following equation to sum the emissions for all of the sources included in the NOx emissions averaging plan:

$$\left[ \sum_{i=1}^n E_{i \text{ actual}} \right] \leq \left[ \sum_{i=1}^n E_{i \text{ allowable}} \right]$$

Where:

$E_{i \text{ actual}}$  = The actual NOx mass emissions, including emissions during start-ups, shutdowns and malfunctions, for air contamination source  $i$  on a 30-day rolling basis.

$E_{i \text{ allowable}}$  = The allowable NOx mass emissions computed using the allowable emission rate limitations for air contamination source  $i$  on a 30-day rolling basis specified in § 129.97. If an air contamination source included in an averaging plan is subject to a numerical emission rate limit that is more stringent than the applicable allowable emission rate limitation in § 129.97, then the numerical emission rate limit shall be used for the calculation of the allowable NOx mass emissions.

$n$  = The number of air contamination sources included in the NOx emissions averaging plan.

(f) The application for the operating permit modification or a plan approval, if otherwise required, specified in subsections (b)—(e) may include facility-wide or systemwide NOx emissions averaging using a 30-day rolling average only for NOx emitting sources or NOx emitting facilities that are owned or operated by the applicant.

(g) The application for the operating permit modification or a plan approval, if otherwise required, specified in subsections (b)—(f) must include the following information:

- (1) Identification of each air contamination source included in the NOx emissions averaging plan.
- (2) Each air contamination source's applicable emission limitation in § 129.97.
- (3) Methods for demonstrating compliance and recordkeeping and reporting requirements in accordance with § 129.100 (relating to compliance demonstration and recordkeeping requirements) for each source included in the NOx emissions averaging plan submitted under subsection (b).

(h) An air contamination source or facility included in the facility-wide or system-wide NOx emissions averaging plan submitted in accordance with subsections (b)—(g) may be included in only one facility-wide or system-wide NOx emissions averaging plan.

(i) The Department or appropriate approved local air pollution control agency will issue a modification to the operating permit or a plan approval authorizing the NOx emissions averaging plan.

(j) The owner or operator of an air contamination source or facility included in the facility-wide or systemwide NOx emissions averaging plan submitted in accordance with subsections (b)—(h) shall submit the reports and records specified in subsection (g)(3) to the Department or appropriate approved local air pollution control agency on the schedule specified in subsection (g)(3) to demonstrate compliance with § 129.100.

(k) The owner or operator of an air contamination source or facility included in a facility-wide or systemwide NO<sub>x</sub> emissions averaging plan submitted in accordance with subsections (b)—(h) that achieves emission reductions in accordance with other emission limitations required under the act or the Clean Air Act, or regulations adopted under the act or the Clean Air Act, that are not NO<sub>x</sub> RACT emission limitations may not substitute those emission reductions for the emission reductions required by the facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted to the Department or appropriate approved local air pollution control agency under subsection (b).

(l) The owner or operator of an air contamination source subject to a NO<sub>x</sub> RACT emission limitation in § 129.97 that is not included in a facility-wide or systemwide NO<sub>x</sub> emissions averaging plan submitted under subsection (b) shall operate the source in compliance with the applicable NO<sub>x</sub> RACT emission limitation in § 129.97.

(m) The owner and operator of the air contamination sources included in a facility-wide or system-wide NO<sub>x</sub> emissions averaging plan submitted under subsection (b) shall be liable for a violation of an applicable NO<sub>x</sub> RACT emission limitation at each source included in the NO<sub>x</sub> emissions averaging plan.