



Pennsylvania Proposes Amendments to Nonattainment New Source Review Regulations

Proposed amendments to Pennsylvania's nonattainment new source review ("NSR") regulations were published for a 60-day public comment period in the *Pennsylvania Bulletin* on April 29, 2006 (*See* 36 Pa.B. 1991). The Environmental Quality Board ("EQB") published the proposed amendments in response to USEPA's amendments to the federal NSR program pursuant to a December 31, 2002 rulemaking (67 *Fed. Reg.* 80186). Pennsylvania incorporated the revised Prevention of Significant Deterioration regulations by operation of law effective March 3, 2003.

The proposed Pennsylvania NSR regulations are modeled after the federal rules in many respects, adopting the "baseline actual to projected-future-actual" applicability test for modifications. However, many of the proposed Pennsylvania amendments are intentionally more stringent than the federal NSR rules. These departures from the federal rules include:

- A requirement to establish an emission limit as an enforceable permit condition for certain projects to ensure NSR is not triggered.
- Limiting the "look-back" period for calculating baseline actual emissions to five years for all sources, including for plant-wide applicability limits ("PALs"), versus up to ten years under the federal rules for non-utility sources.
- Requiring best achievable control technology ("BACT") for all new units added to an existing PAL, whereas such units are exempted under federal law.

For additional information regarding the proposed amendments or if you need assistance in submitting comments, please contact Chester R. Babst III at (412) 394-5407 or cbabst@bccz.com, Michael H. Winek at (412) 394-6538 or mwinek@bccz.com, Seth A. Rice at (412) 394-5490 or srice@bccz.com.