

# **DEP Update on Rulemakings and State Implementation Plan Revisions**

**April 11, 2019, AQTAC Meeting**

## **Rulemakings**

### ***Final-form Rulemakings***

General Permits Electronic Submission – This final-omitted rulemaking was discussed with AQTAC on June 14, 2018; the CAC on June 19, 2018; and SBCAC on July 25, 2018. It was approved by the EQB on August 21, 2018 and by IRRC on October 18, 2018. Notice of the General Permits Electronic Submission was published in the *Pennsylvania Bulletin* on November 10, 2018.

### ***Proposed Rulemakings***

Title V Fees and Operating Permit Fees –The draft proposed Annex A was discussed with AQTAC on June 14, 2018; the CAC on June 19, 2018; and SBCAC on July 25, 2018. This proposed rulemaking was approved unanimously by the EQB on December 18, 2018. We anticipate that the 60-day public comment period will open in April.

PM2.5 Precursors – This rulemaking would amend the § 121.1 definition of “regulated NSR pollutant” to add ‘ammonia’ and ‘VOC’ as regulated precursors to the formation of particulate matter. It would also amend Chapter 127, Subchapter E (relating to NSR) to add significant impact levels for PM2.5 and offset ratios for VOC and ammonia. The draft proposed Annex A was discussed with AQTAC, SBCAC and the CAC. This proposed rulemaking was approved unanimously by the EQB on December 18 and was published on March 16 with a 60-day public comment period.

Low-Sulfur Fuel – Amends § 123.22 to lower the sulfur content of No. 2 and lighter commercial fuel oil from 500 ppm to 15 ppm to be consistent with the MANE-VU “Ask.” Philadelphia Air Management Services, the Allegheny County Health Department (ACHD) and all surrounding states have already adopted the 15 ppm standard. This proposed rulemaking will be considered at the April 15, 2019, EQB meeting.

### ***Anticipated Rulemakings***

Draft Proposed RACT Regulations for Oil and Natural Gas Sources – A preliminary draft of the proposed regulation was discussed with AQTAC on December 13. DEP will present the draft proposed Annex A for a vote at the April 11, 2019, AQTAC meeting.

Stage I and II Amendments – A preliminary draft of this proposed rulemaking was also discussed with AQTAC on December 13. The proposal would require decommissioning of vacuum-assisted vapor recovery at the pump in the 5-county Philadelphia and 7-county Pittsburgh-Beaver Valley areas. It would also update stage I requirements retained for annual vapor leak testing and monitoring and add low-permeation hose and dripless nozzle requirements.

## **State Implementation Plan (SIP) Revisions**

### ***Nonregulatory SIP Revisions***

Gasoline Volatility Requirements – The State Implementation Plan (SIP) package was submitted to EPA on May 1, 2018. The SIP revision removes the low vapor pressure requirements of 25 Pa code Ch. 126, subchapter C for Pittsburgh-Beaver Valley area from the SIP based on a CAA section 110 (e) “non-interference demonstration” because DEP also amended 25 Pa. Code § 126.301 to make 25 Pa. Code Chapter 126, Subchapter C no longer applicable to the Pittsburgh-Beaver Valley Area upon the effective date of approval by EPA of the removal, suspension or replacement of Chapter 126, Subchapter C as a federally enforceable control measure in the Pennsylvania SIP. EPA approved the sip revision December 20, 2018, effective January 22, 2019.

Low Reid Vapor Pressure (RVP) Noninterference Demonstration (NID) – On December 20, 2018 (83 FR 65301) the EPA issued its notice of final rule approving the NID SIP revision, which removed 25 Pa. Code Chapter 126, Subchapter C as a federally enforceable control measure in the Pennsylvania SIP. This effectively makes the requirements of 25 Pa. Code Chapter 126, Subchapter C no longer applicable to the Pittsburgh-Beaver Valley Area. (See the regulatory SIP item above.)

Proposed ACHD SIP Revision for Removal of Allegheny County Low RVP Fuel Program from Allegheny County Portion of SIP – On February 28, 2019, ACHD submitted to DEP its SIP revision requesting EPA to remove Allegheny County regulations requiring Low RVP summertime gasoline identical to recently repealed DEP regulations for the same. The revision references the EPA-approved Low RVP NID described above. DEP will submit this SIP to EPA on ACHD’s behalf.

### **2012 PM2.5 NAAQS SIP Revisions:**

- DEP submitted the maintenance plan SIP revision and redesignation request for Delaware County on January 23, 2019.
- DEP submitted the maintenance plan SIP revision and redesignation request for Lebanon County on February 11, 2019.
- EPA must approve these SIP revisions by November 7, 2019 to stop the sanction clock.
- The Allegheny County Health Department is developing an attainment demonstration for Allegheny County.

***EPA Actions on PA SIP Revision Requests***

<b>RULEMAKING TITLE</b>	<b>ACTION STATUS</b>
Attainment Demonstration for Warren Non-attainment area for the 2010 1-hour SO <sub>2</sub> NAAQS.	Approved in the Federal Register (82 FR 51629) on 10/12/2018
Attainment Demonstration for Beaver Non-attainment area for the 2010 1-hour SO <sub>2</sub> NAAQS.	Approved in the Federal Register (83 FR 50314) on 10/5/2018
Low Reid Vapor Pressure (RVP) Noninterference Demonstration (NID)	Approved in the Federal Register (83 FR 65301) on 12/20/2018
Nonattainment New Source Review Requirements for 2008 8-Hour Ozone Standard	Approved in the Federal Register (84 FR 5598) on 2/22/2019

**2015 Ozone NAAQS**

**Background - Area Designations for the 2015 Ozone NAAQS**

On June 4, 2018, EPA published a final rule that established initial air quality designations for the 2015 primary and secondary ozone standards for certain areas of the United States. EPA designated most areas as either attainment/unclassifiable or unclassifiable in a separate rulemaking on November 6, 2017. In the latest rulemaking, the five-county Philadelphia area was the only area in Pennsylvania designated nonattainment of the 2015 ozone standards. The effective date of the rule is August 3, 2018.

More information on EPA's final designations can be found on EPA's website at: <https://www.epa.gov/ozone-designations/additional-designations-2015-ozone-standards>.