



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

Draft Final Rulemaking 25 Pa. Code Chapters 121 and 127

**Additional Requirements for Fine Particulate Matter in
the Nonattainment New Source Review Program**

**Air Quality Technical Advisory Committee
August 15, 2019
Harrisburg, PA**

Tom Wolf, Governor

Patrick McDonnell, Secretary

Overview

- On August 24, 2016, the United States Environmental Protection Agency (EPA) issued State Implementation Plan (SIP) requirements for the Fine Particulate Matter National Ambient Air Quality Standard (NAAQS).
- The EPA's implementation rule requires states with nonattainment areas for particulate matter less than and equal to 2.5 micrometers in diameter ($PM_{2.5}$) to amend their new source review (NSR) regulations to include emissions of volatile organic compounds (VOC) and ammonia as $PM_{2.5}$ precursors.

Overview

The draft final-form rulemaking:

- Establishes that emissions of VOC and ammonia are precursors to $PM_{2.5}$ for new major sources or major sources being modified in certain counties of this Commonwealth that are designated as nonattainment for the $PM_{2.5}$ NAAQS.
- Proposes significant impact levels (SIL) for $PM_{2.5}$.
- Proposes offset ratios for emissions of VOCs and ammonia as $PM_{2.5}$ precursors.

Overview

- The draft final-form rulemaking would also allow for the submission of applications for the use of general permits for portable sources under Chapter 127, Subchapter H (relating to general plan approvals and operating permits) through any means by amending § 127.641(c) (relating to application for use of plan approvals and operating permits for portable sources) to delete the requirement to deliver the application either by hand or by certified mail return receipt requested.
- This rulemaking is under an 18-month EPA sanction clock.
 - Statewide ‘Emission Offsets’ would begin on November 7, 2019.
 - Statewide ‘Highway Fund’ sanctions would begin in May of 2020.

Rulemaking Schedule

- **March 16, 2019** – Proposed rulemaking published in the *Pennsylvania Bulletin*.
- **April 16, 17, & 18, 2019** – Public Hearings in Harrisburg, Pittsburgh, and Norristown, respectively.
- Public comment period closed on **May 20, 2019**.
- **3rd Quarter 2019** – Anticipate Environmental Quality Board (EQB) consideration of final rulemaking.
- Upon final-form publication, the final rulemaking will be submitted to the EPA as a State Implementation Plan (SIP) revision.

Commentators

- Three commentators provided comments.
 - The Clean Air Board supported the proposed rulemaking.
 - Two private citizens made general comments about improving air quality that were beyond the scope of the proposed rulemaking.
 - Neither EPA nor the Independent Regulatory Review Commission (IRRC) had any comments on the proposed rulemaking.
- No changes were made to the rulemaking as a result of comments received.

Anticipated Rulemaking Schedule

- Air Quality Technical Advisory Committee – August 15, 2019
- Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee – August 16, 2019
- CAC – August 20, 2019 (Vote)
- EQB – Final Rulemaking – 3rd Quarter 2019
- Final Rulemaking Promulgated – December 2019
- Effective Date – December 2019

AQTAC Action

The Department is requesting AQTAC's concurrence with the Department's recommendation to move the PM_{2.5} precursors final rulemaking forward to the EQB for consideration.



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