

**Pennsylvania Department of Environmental Protection**  
**AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING**

Minutes  
 10/15/2020

**Air Quality Technical Advisory Committee (AQTAC) Members Present (joined via Webex or on the phone)**

Rob Altenburg	<input checked="" type="checkbox"/>	Kimberly Coy	<input checked="" type="checkbox"/>	Joseph Duckett	<input checked="" type="checkbox"/>	Michael Fiorentino	<input type="checkbox"/>
Josie Gaskey	<input checked="" type="checkbox"/>	Jayne Graham	<input checked="" type="checkbox"/>	Joseph Guzek	<input type="checkbox"/>	Michelle Homan	<input checked="" type="checkbox"/>
Judy Katz	<input checked="" type="checkbox"/>	Charles McPhedran	<input checked="" type="checkbox"/>	Gary Merritt	<input checked="" type="checkbox"/>	Patrick O'Neill	<input checked="" type="checkbox"/>
Richard J. Shaffer	<input checked="" type="checkbox"/>	John Shimshock	<input checked="" type="checkbox"/>	John Slade	<input checked="" type="checkbox"/>	Kevin Stewart	<input checked="" type="checkbox"/>
John Tissue	<input checked="" type="checkbox"/>	John Walliser	<input checked="" type="checkbox"/>	Michael Winek	<input checked="" type="checkbox"/>		

**Department Staff Present (joined the Webex or on the phone):**

Mark Hammond	Kirit Dalal	Darek Jagiela
Deborah Wehr	Hitesh Suri	John Krueger
Randy Bordner	Jesse Walker	Susan Foster
Laura Griffin	Krishnan Ramamurthy	Hayley Book
Nancy Herb	Regi Sam	Robert Cook
Bryan Oshinski	Bob Bonner	Sean Wenrich
Charles Boritz	Susan Hoyle	Soumya Arikeri
Viren Trivedi	Vincent Pascucci	Chris Trostle
		Nam-Phuong Cong-Huyen

**Others Present (Individuals who joined the WebEx or on the phone):**

Gary Helm, PJM	Kevin Hatch PJM	Stephen Bennett, PJM
Emily Bull, Maryland	Gary Napp	Greg Mitchell, KeyCon Ops
Vincent Stefanowicz, PJM	Vijay Shah, PJM	Chad Coy, Woodard Curran
David Callahan, JKLM Energy	Charles Haney, EMAP	David Stucker, Range Resources
Heather Empgield	Joe McCay, Williams	John Schmelzle, POWER Eng
Josephine Martin	Kevin Sunday, PA Chamber	Larry Carlson
Lee Ann Briggs, Univ of Pitt	Maggie Green, ALL4	Mark Beston, ERM
Miriam Baril, Boeing	Nicholas Leone, ALL4	Peter Gleason
Robert Barkanic, The Barkanic	Robert Routh, Clean Air Council	Ryan Buckley
Patrick Hendersen, MSC	Richard Allan, Pugliese Ass.	Teresa McCurdy, TD Connect
Terry Black, NRG	Vincent Brisini, Olympus	Andrew Ritter, Range Resources
Arne Euler	Amanda Gillooly, GASP	Fred Osman, Osman Envrio
Jennifer Flannery, CEC	Nick Troutman, PA Senate	Regina Henry

**CALL TO ORDER**

Patrick O'Neill, AQTAC Chair, called the 10/15/2020 meeting to order at 9:15 AM through Webex.

**ADMINISTRATIVE ITEMS**

Patrick O'Neill made a roll call for the AQTAC committee members. John Shimshock could not connect a microphone and therefore is not counted in the voting for the meeting.

**Approval of Minutes**

**The minutes from the 8/13/2020, meeting were approved** with one clarification.

Kevin Stewart made the motion.

John Tissue seconded the motion.

Vote:	15 - Yes	0 - No	1 - Abstain
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Michelle Homan abstained

*(The amended final minutes were posted on the AQTAC website on 10/16/2020.)*

**Director's Comments**

Mark Hammond discussed his vision for AQTAC to be more fully utilized, specifically by focusing on technical advice. He mentioned that members are not being utilized to their fullest technical expertise. He indicated that AQTAC members will be involved much earlier in the regulatory process. Mark Hammond also asked for future presentations from AQTAC members to expand technical knowledge of both the DEP and the Committee. He also touched on updating meeting procedures and aligning them with current practices of other Department advisory committees, including an update to the agenda layout and elimination of concurrence letters. He reminded the Committee that the meeting minutes and voting records are available on the AQTAC website. He noted that technical advice on members' areas of expertise is the highest value Committee members can provide to the Department.

At Patrick O'Neill's request, Mr. Hammond clarified that while it will no longer request concurrence letters, there are no new limitations on the Committee's ability to vote or send correspondence.

The Committee asked if the by-laws were going to change, and Mark Hammond clarified that the Department was not requesting amendment of the by-laws. He further reminded the members that they should be familiar with the AQTAC by-laws and the statutory responsibility found in the Air Pollution Control Act Section 7.6. Questions were raised regarding how the Committee's advice would be presented in rulemaking packages, and Mark Hammond explained that no other bureaus use concurrence letters anymore. All discussions and votes will continue to be recorded in the meeting minutes and AQTAC input will be noted in rulemaking packages in an appropriate manner. The Committee discussed related items such as their desire to be involved early in the rulemaking process, continued ability to review final packages as well as the math and technical details that go into the regulations.

**PRESENTATION**

Hitesh Suri made a presentation on a Draft Proposed Rulemaking: Control of VOC Emissions from Large Petroleum Dry Cleaners, Shipbuilding and Repair Coatings Operations, and SOx Reactors, Distillation and Air Oxidation Processes.

**Discussion**

The Committee asked if the DEP was seeking any specific advice on this regulation. Because this rulemaking is based on EPA Control Techniques Guidelines (CTGs) it is really more of a clean-up regulation with applicable facilities already implementing the requirements, so the Department is not seeking specific technical advice.

**Motion**

“AQTAC accepted the draft proposed regulation for Large Petroleum Dry Cleaners, Shipbuilding and Repair Coatings Operations, and SOxMI Reactors, Distillation, and Air Oxidation Processes”.

Motion made by Jayme Graham. Seconded by Kevin Stewart.

Altenburg	Y	Coy	Y	Duckett	Y	Fiorentino	n/a
Gaskey	Y	Graham	Y	Guzek	n/a	Homan	Y
Katz	Y	McPhedran	A	Merritt	Y	O’Neill	Y
Shaffer	Y	Shimshock	n/a	Slade	Y	Stewart	Y
Tissue	Y	Walliser	Y	Winek	A		n/a

Vote Total: 14 Yes, 0 No, 2 Abstained. **The motion was Approved.**

**PRESENTATION**

Jesse Walker made gave a presentation on the Third Circuit Court of Appeals recent opinion in *Sierra Club v. EPA* concerning EPA’s approval of Pennsylvania’s RACT II rulemaking as a revision to the Commonwealth’s State Implementation Plan (SIP).

On July 9, 2019, the Sierra Club filed a petition for review challenging three discrete aspects of Pennsylvania’s RACT II Rule which included (1) the emissions limit for coal-fired power plants with selective catalytic reduction (“SCR”) pollution controls; (2) the inlet temperature threshold for the operation of advanced pollution controls; and (3) recordkeeping and reporting requirements for inlet temperature data. In August 2019, the Department intervened in the case.

On August 27, 2020, and amended on the 28<sup>th</sup>, the Court issued its opinion, vacating and remanding EPA’s approval of certain RACT II Rule provisions because the approval was not adequately supported by the administrative record. The Court directed EPA to approve a revised compliant SIP within two years or to formulate a Federal Implementation Plan (“FIP”).

Jesse Walker presented on the specific details of the Third Circuit’s opinion for each of the RACT II Rule provisions involved in the litigation: (1) The presumptive RACT emission limit of 0.12 lb/MMBTU; (2) the 600°F inlet temperature threshold for the operation of SCR controls; (3) the inlet temperature recordkeeping and reporting requirements.

**Discussion**

The Committee questioned the next steps. Jesse Walker responded that DEP is evaluating its options for responding to the Court’s decision.

The Committee asked for clarification on Court’s opinion on the temperature issue. Jesse responded the Court said EPA did not have an adequate demonstration in the administrative record that the operation of SCR controls “cannot result in additional NOx reductions”. Jesse later

explained that the Court decision mentioned other states do not have a temperature threshold of 600 degrees.

Various AQTAC members discussed their understanding of SCR operation, the temperature range and the related ammonia slip issue. Patrick O'Neill asked if this topic is one the Department would like a technical presentation on in the future. John Krueger said yes, a presentation that informs would be good if the Committee has someone. He also mentioned that even if the DEP develops another presumptive RACT, companies have the option of doing a case-by-case RACT. Jesse Walker then confirmed that the Court opinion on *Sierra Club V. EPA* pointed out the option to conduct case-by-case RACT analyses. The committee suggested that information on both sides of an issue be presented and John Slade said AQTAC could arrange an expert to give presentation to help inform committee and DEP in the future. **FOLLOW UP:** John Krueger will follow up with Mark Hammond and DEP permitting staff to find out if specific technical information from the committee on SCRs is desired.

The Committee asked what this means for compliance until a solution is found. Jesse Walker noted that the presumptive RACT regulations are still on the books at the state level and limits included in the facilities' permits are enforceable. The Court vacated and remanded the EPA's approval of certain provisions of the RACT II Rule as a revision to the Commonwealth's SIP.

The Committee asked how this decision affected RACT III. The Department will be taking a look at that in light of the Court's decision in *Sierra Club v. EPA*.

The Committee continued to discuss specifically who or what expertise they could provide to the Department on this or other technical issues, without providing information that the DEP already has. John Kruger reiterated that the DEP will discuss internally and get back to AQTAC.

## **PRESENTATION**

Gary Helm, lead market strategist and Kevin Hatch, shift supervisor of system operations from PJM made a presentation on Generation Dispatch, Resource Mix and Emissions. Stephen Bennett, manager of regulatory legislative affairs, Vijay Shah and Vincent Stefanowicz, both senior engineers, were also present representing PJM.

## **Discussion**

Since the meeting was running long and the Committee was very engaged in the discussion/presentation with PJM, it was decided to postpone the Zero Emission Vehicle MOU Presentation until the December meeting.

The Committee asked if there was a correlation between the increase in renewables equating to the decrease in nuclear capacity. PJM responded that it was more of a coincidence, because the slide was dealing with capacity, not generation. The committee asked if there is a plan for increased energy storage capacity. Gary Helm responded that they are always looking to the future and what will impact operations and reliability and markets. Renewables are a part of that in the future. Kevin Hatch mentioned a few projects that have participated in the past or currently active in PJM which involve battery storage and other energy storage technologies.

The Committee asked about solar energy and PJM responded that solar is in use in PJM, but not to the extent that it is in CA. PJM has a very diverse weather, climates and resources in which they can move power around when and where it is needed. The Committee also asked about the wind capacity presented being lower compared to what is used on a real time basis on select days. PJM explained that some wind is imported from the Midwest and also the 1239 MW listed on the slide is the capacity factor and not the actual name plate capacity of the unit.

### **Public Comments**

No advance requests were received. Two questions were received in Webex Chat or Webex Q&A:

1. Vince Brisini: Did PADEP ask PJM to analyze the state specific impacts from RGGI on generation in PA and all of the remaining PJM states and the total impact on regional emissions by year for 2022 and 2030 and compare them to those years absent PA's participation? ***FOLLOW UP:*** DEP will respond directly to Mr. Brisini.
2. Terry Black: What is the status of the Indiana County SO2 SIP? DEP replied that we are awaiting EPA's decision which should be made by the end of the month. (***EPA published the approval on Monday October 19, 2020, in the Federal Register.***)

### **PRESENTATION**

Kirit Dalal gave an overview of the current rulemakings and State Implementation Plan Revisions.

### **Discussion**

The Committee questioned the timeline approval/disapproval by the legislature and dates of the Fees Rulemaking if it was actually going into effect in January 2021. Mr. Krueger explained that the PA House Environmental Resource and Energy Committee voted to disapprove the Fee Rulemaking, but that DEP expected to publish the rulemaking in early 2021. The application fees would be effective upon publication the *PA Bulletin*. The annual maintenance fees for Title V, synthetic minor and natural minor operation permits would be due no later than 60 days after publication.

The Committee asked about relationship between the court case on RACT II and the PM2.5 precursors if DEP has looked at those two issues together. The Department stated that we will consider it.

### **BUSINESS / OPEN DISCUSSION**

Patrick O'Neill opened the meeting for other AQTAC business/open discussion.

Dates for 2020 Meetings was circulated to the Committee prior to the meeting. There were no objections to the dates from the members.

### **New Items to follow up for next meeting** –.

- John Krueger will follow up with Mark Hammond and DEP staff to find out if specific technical information on SCRs or other areas is desired and will coordinate with the Committee for future meetings. (***Email request was sent to AQTAC members on***

*10/21/2020 requesting speakers or recommendations for speakers for three topics relating to electricity dispatch. Only 1 member responded.)*

- Joe asked for DEP to get information on the Sierra Club argument for SCR performance below 600 degree F. *{Information from Sierra Club's final brief and final opening brief materials in Third Circuit's Docket:*
  - *See, e.g., EPRI, Summary of Selective Catalytic Reduction System Operational Issues at Low Load at § 2 and 3, Product Id: 1021208 (Nov. 2010) (explaining strategies for maintaining SCR minimum temperature and operating below minimum temperature), <https://www.epri.com/#/pages/product/1021208/> (cited in Sierra Club Comments at 15 n.32 (JA345)).*
  - *See, e.g., Reinhold Environmental Ltd., Presentation at 2008 Conference of Worldwide Pollution Control Ass'n, Richmond, VA, at 2, 14, 24, available at <http://wpca.info/pdf/presentations/Richmond2008/WPCA,%20SCR%20Catalyst%20Design,%20Argillon.pdf> (explaining use of ammonia, catalyst characteristic interaction with temperature, and dependence of minimum operating temperature on SO3 and water vapor).}*
- DEP will respond to question in Q&A directly to Mr. Brisini.

**Previous follow up items still open:**

- Request to Lucas Hershey concerning information on HFC alternatives' downside analysis. *(Information will be presented to AQTAC when available.)*
- The technical support document related to the proposed RACT III rulemaking should be provided to the group when it is ready. *(AQTAC will be notified when/where information is publicly available.)*
- The public comments and DEP responses to RACT III issues (from the May 7<sup>th</sup> meeting) were requested to be provided to AQTAC, specifically to address Sierra Club and Maryland's comments. *(AQTAC will be notified when/where information is publicly available.)*

**Next Meeting:** The next AQTAC meeting is scheduled for 9:15 AM on Thursday, 12/10/2020, as a Webex Meeting.

**MOTION TO ADJOURN**

Made by Kevin Stewart. Seconded by Josie Gaskey.

With no further business before AQTAC, Patrick O'Neill adjourned the meeting at 1:20 PM, EST.

Minutes prepared by Deborah Wehr, Air Quality Program Specialist (AQPS). For additional information about AQTAC, please contact Kirit Dalal ([kdalal@pa.gov](mailto:kdalal@pa.gov)) or by visiting the AQTAC Web page at: <http://www.dep.pa.gov/Business/Air/BAQ/AdvisoryGroups/Air-Quality-Technical-Advisory-Committee/Pages/default.aspx>