

Small Business Compliance Advisory Committee

to the Pennsylvania Department of Environmental Protection

PO Box 8468

Harrisburg, PA 17105-8468

July 26, 2017

Honorable Patrick McDonnell
Secretary
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: Final rulemaking amendments for Gasoline Volatility Requirements

Dear Secretary McDonnell:

On July 26, 2017, the Small Business Compliance Advisory Committee (Committee) discussed the final rulemaking draft Annex A to amend 25 *Pa. Code* Chapter 126, Subchapter C (relating to gasoline volatility requirements) as codified in 25 *Pa. Code* §§ 126.301–126.303 (relating to compliant fuel requirements; recordkeeping and reporting; and compliance and test methods). The final rulemaking draft Annex A reverses the action of the proposed rulemaking by not repealing Chapter 126, Subchapter C and the supporting definitions outright. The final rulemaking amendment adds language to § 126.301 to render §§ 126.301–126.303 no longer effective upon the effective date of approval by the U.S. Environmental Protection Agency (EPA) of the removal, suspension, or replacement of the requirements of Subchapter C as a part of the Commonwealth's State Implementation Plan (SIP). This amendment satisfies the requirements of the Air Pollution Control Act added by the act of May 14, 2014, P.L. 674, No. 50 (Act 50 of 2014). Act 50 of 2014 first directs the Department of Environmental Protection (Department) to initiate the process of amending the SIP by demonstrating continued compliance with the National Ambient Air Quality Standards through the use of commensurate emission reductions, and then for the Environmental Quality Board to promulgate regulations to repeal §§ 126.301–126.303 from the Pennsylvania Code after the EPA approves the revision to the SIP. The regulations and supporting definitions will be repealed from the Pennsylvania Code through a future rulemaking after the EPA takes action to either remove the regulations from the SIP, suspend federal enforcement of the requirements, or replace the requirements.

The Committee commends DEP on their excellent work improving air quality and eliminating regulatory burdens for the 7-county Pittsburgh-Beaver Valley Area. The Committee voted 6-0-0 (yes; no; abstain) to concur with the Department's recommendation to present the final rulemaking to the Environmental Quality Board for consideration.

Sincerely,


Dale I. Kaplan
Chair

cc: Krishnan Ramamurthy, Acting Director, PA DEP BAQ
Samantha Harmon, PA DEP BAQ
Nancy Herb, PA DEP BAQ
Susan Hoyle, PA DEP BAQ