

## NOTICE

### **Proposed Revision to Pennsylvania's State Implementation Plan for Regional Haze, including 2008 Allegheny County Health Department Order; Public Hearings**

Section 169A of the Federal Clean Air Act (CAA) declares a national goal for the prevention and remediation of impairment of visibility from manmade air pollution in Class I areas (these are areas of great scenic importance) throughout the country, including many well-known national parks and wilderness areas. The U.S. Environmental Protection Agency (EPA) promulgated the "Regional Haze Regulations" (also referred to as the Regional Haze Rule) on July 1, 1999. (64 Fed. Reg. 35714). In response to a partial vacatur of the 1999 rule, EPA published the "Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations" on July 6, 2005. (70 Fed. Reg. 39104). These amendments apply to the provisions of the Regional Haze Rule that require emission controls known as Best Available Retrofit Technology (BART) for industrial facilities emitting air pollutants that reduce visibility. In response to a second judicial challenge to the Regional Haze Rule, EPA promulgated the "Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations" on October 13, 2006. (71 Fed. Reg. 60612).

The Regional Haze Rule requires States to establish goals and strategies for improving visibility in all of the country's 156 Class I national parks and wilderness areas. The EPA is requiring all states to revise their State Implementation Plans (SIPs) to reduce emissions of sulfur dioxide (SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), and particulate matter--especially fine particulate matter (PM<sub>2.5</sub>)--all of which contribute to regional haze and affect Class I areas. The CAA and the BART Rule require that any "major stationary source" that has the potential to emit 250 tons or more of a visibility-impairing air pollutant that was put in place between August 7, 1962, and August 7, 1977, and whose operations fall within one or more of the 26 specifically listed source categories would comprise a BART-eligible source and must install BART for controlling emissions. States must address BART in their Regional Haze SIPs.

The Department of Environmental Protection (Department) is seeking public comment on its proposed revision to the State Implementation Plan to address Regional Haze. The proposed Regional Haze SIP revision is available on the Department's Web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose keyword: 'Clean air plans'), or through the contact persons listed below. The Regional Haze Rule (40 CFR 51.308(i)) requires states to consult with the Federal Land Managers (FLMs) at least 60 days prior to the scheduled public hearing on the proposed Regional Haze SIP revision. Section 169A(d) of the CAA requires states to include a summary of the conclusions and recommendations of the FLMs in the notice to the public. The following FLMs provided comments to the Department: the United States Department of the Interior's Fish and Wildlife Service and the National Park Service, and the United States Department of Agriculture's Forest Service. A copy of all comments submitted by the FLMs to the Department, and the Department's responses, is available in Appendix AA of the proposed SIP revision for Regional Haze.

The Department is also specifically seeking comment on an Enforcement Order included in the proposed Regional Haze SIP as Appendix BB. The Order was issued by the Allegheny County Health Department on April 24, 2008, to Eastman Chemical Resins, Inc., stating that “Eastman shall immediately and permanently render volatile organic storage tanks 17, 18, 61 & 63 unusable for the storage of VOCs.” As a result of the Order, the total emissions from Eastman Chemical Resins, Inc. do not exceed 250 tons per year for any of the eligible visibility impairing pollutants. Therefore, sources at the Eastman Chemical Resins facility are not subject to the BART requirements. Inclusion of the Order in the final SIP revision approved by EPA will render it federally enforceable.

The Department will hold three public hearings to receive comments on the proposed Regional Haze SIP revision:

- November 9, 2010, at 1:00 pm at the Department’s Southeast Regional Office, 2 E. Main Street, Norristown, Pennsylvania;
- November 9, 2010, at 1:00 pm at the Department’s Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, Pennsylvania; and
- November 10, 2010, at 1:00 pm at the Department’s Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, Pennsylvania.

Persons wishing to present testimony at a hearing should contact Shaniqua Smith, P.O. Box 8468, Harrisburg, PA 17105, (717) 787-9702 or shanismith@state.pa.us to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to ten minutes and should provide two written copies of their statement at the hearing. Notice of the proposed SIP revision will also be published in newspapers of general circulation.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Shaniqua Smith at (717) 787-9702 or shanismith@state.pa.us. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than November 12, 2010. Written comments should be sent to the attention of Jane Mahinske, Division of Air Resource Management, Bureau of Air Quality, P.O. Box 8468, Harrisburg, PA 17105-8468, jmahinske@state.pa.us. Please use “Regional Haze” in the subject line.

JOHN HANGER  
Secretary