



Bureau of Air Quality

Final Rulemaking: Additional Requirements for Control of Fine Particulate Matter in the Nonattainment New Source Review Program (25 Pa. Code Chapters 121 and 127)

Environmental Quality Board Meeting

August 20, 2019

Tom Wolf, Governor

Patrick McDonnell, Secretary

Basis of Final-form Rulemaking

- 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 nonattainment new source review (NNSR) regulations to include emissions of volatile organic compounds (VOC) and ammonia as $PM_{2.5}$ precursors.
- 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.

Elements of Final-form Rulemaking

This 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.
- Establishes significant impact levels (SIL) for $PM_{2.5}$.
- Establishes offset ratios for emissions of VOCs and ammonia as $PM_{2.5}$ precursors.

Elements of Final-form Rulemaking

- This final-form rulemaking also allows 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.

Applicability

- This final-form rulemaking will affect major emitters of VOC or ammonia that are located in or that would have a significant impact on counties currently designated as nonattainment areas for PM_{2.5}.
- It is unlikely that any facility within a designated PM_{2.5} attainment area will have a significant impact on a designated PM_{2.5} nonattainment area.

Environmental and Economic Impacts

- No new major facilities are known to be under construction, or planned to be constructed, within PM_{2.5} nonattainment areas that will emit major amounts of VOC or ammonia.
- There are 17 facilities that have the potential to emit 100 tons per year or greater of VOC, ammonia, or both. The owners and operators of these facilities will be subject to this final-form rulemaking if they undertake major modifications for VOC, ammonia, or both. There are no pending major modifications at these facilities.
- There are no anticipated environmental or economic impacts from this final-form rulemaking other than the avoidance of sanctions from the EPA.

Public Participation Process

- The proposed rulemaking was published in the *Pennsylvania Bulletin* on March 16, 2019 (49 Pa.B. 1146).
- The 66-day public comment period ended on May 20, 2019.
- Public hearings were held on April 16, 17, and 18, 2019, in Harrisburg, Pittsburgh, and Norristown, respectively.
 - No testimony was provided at the public hearings.

Public Comments

- Three commenters 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 the EPA nor the Independent Regulatory Review Commission provided any comments on the proposed rulemaking.
- No changes were made to this rulemaking as a result of comments received.

Advisory Committee Review

- Advisory committees and the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee concurred on these dates with DEP's recommendation to present this final-form rulemaking to the EQB for consideration:
 - August 15, 2019 - Air Quality Technical Advisory Committee
 - August 16, 2019 - CAC Policy and Regulatory Oversight Committee
- This final-form rulemaking is expected to be presented to the full CAC later today.

Recommendation

- DEP recommends EQB adoption of this final-form rulemaking.
- DEP will submit this final-form rulemaking to the EPA for approval as a revision to the State Implementation Plan upon publication as a final-form rulemaking in the *Pennsylvania Bulletin*.



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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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