



February 7, 2023

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
EPA Docket Center
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OAR-2004-0014

Re: Comments for the Proposed "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule" 87 FR 62322 (October 14, 2022).

Dear Administrator Regan:

The Pennsylvania Department of Environmental Protection (DEP) appreciates the opportunity to submit comments on the proposed rule concerning the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule (Proposed Rule) published in the *Federal Register* by the U.S. Environmental Protection Agency (EPA) on October 14, 2022. (87 FR 62322). These comments represent DEP's official position regarding the Proposed Rule. Any comments submitted on behalf of an organization of which DEP is a member represent the position of that organization only, and do not necessarily represent DEP's position. DEP supports EPA's efforts to reduce emissions and protect public health and welfare from the effects of air pollution and to preserve and/or improve air quality throughout the United States.

DEP supports the Proposed Rule, which will strengthen air quality and public health protections by expanding the universe of facilities that must include fugitive emissions (i.e., emissions that cannot reasonably pass through a stack, chimney, vent, or similar opening), in determining applicability of New Source Review (NSR) requirements.

More specifically, the Proposed Rule would require facility owners and operators of all existing industrial facilities considered "major sources" to include fugitive emissions of air pollutants when determining whether a physical or operational change at their facility is a "major modification". Currently, only the 28 source categories explicitly listed in the 1977 federal Clean Air Act definition of the terms "major facility" and "major modification" must include fugitive emissions when making this determination. Because major NSR permits are required to be issued to allow for "major modifications" of a facility, expanding the mandatory inclusion of fugitive emissions to all facilities will result in additional emission control measures for those facilities that do not trigger NSR permit requirements under the current NSR program but will trigger the more stringent NSR permit requirements upon adoption of the Proposed Rule.

Secretary

Rachel Carson State Office Building | P.O. Box 2063 | Harrisburg, PA 17105-2063 | 717.787.2814 | www.dep.pa.gov

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The Commonwealth of Pennsylvania has always required all major sources to include their fugitive emissions when determining if a physical or operational change is a major modification under NSR requirements. In DEP's experience, inclusion of fugitive emissions by all major sources has proven to lower overall air pollutant emission levels (particularly for NSR-regulated pollutants) has been easily and reliably implemented by DEP and is clearly understood by regulated industries in Pennsylvania. DEP supports EPA's efforts to include fugitive emissions in determining what constitutes a major modification.

Thank you for the opportunity to comment on the Proposed Rule. Please contact Mark Hammond, Director of DEP's Bureau of Air Quality, at mahammond@pa.gov or 717.787.9702 with any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Richard Negrin". The signature is written in black ink and is positioned above the printed name and title.

Richard Negrin
Acting Secretary