

DEP Update on Rulemakings and State Implementation Plan Revisions December 12, 2019, AQTAC Meeting

Rulemakings

Final-form Rulemakings

Title V Fees and Operating Permit Fees –The proposed rulemaking was published in the Pennsylvania Bulletin on April 13, 2019, at 49 Pa.B. 1777. The public comment period opened on April 13, 2019, and closed June 17, 2019. The Board received public comments from approximately 1400 commenters, including the House Environmental Resources and Energy Committee, the House of Representatives, industry, environmental groups, and IRRC. The draft final-form rulemaking Annex A was discussed today.

PM2.5 Precursors –The final-form rulemaking was discussed at the August 15, 2019 AQTAC meeting and presented to the EQB on August 20, 2019. The EQB adopted the final-form rulemaking as presented. The final-form rulemaking is anticipated to be published in the Pennsylvania Bulletin in December.

Low-Sulfur Fuel – Amends § 123.22 to lower the sulfur content of No. 2 and lighter commercial fuel oil from 500 ppm to 15 ppm to be consistent with the MANE-VU “Ask.” Philadelphia Air Management Services, the Allegheny County Health Department (ACHD) and all surrounding states have already adopted the 15-ppm standard. The draft final-form rulemaking changed the compliance date from 60 days after promulgation of the final-form rulemaking to September 1, 2020. Also, the sell-through date was changed to reflect the new compliance date. DEP presented the draft final-form rulemaking Annex A to AQTAC, SBCAC and the CAC PRO Committee on October 17, 23 and 28, respectively. DEP anticipates presenting the final-form rulemaking to the EQB on January 21, 2020 and that it will be promulgated in mid-to-late Spring 2020.

Proposed Rulemakings

RACT III - On October 17, 2019, DEP presented the RACT III rulemaking concepts to AQTAC and anticipates presenting proposed rulemaking language in the coming months.

STAGE II – DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC subcommittee on April 11, April 17 and May 22, 2019, respectively. DEP anticipates bringing the proposed rulemaking before the EQB on January 21, 2020.

Regional Greenhouse Gas Initiative (RGGI) - On October 3, 2019 Governor Wolf [took executive action](#) instructing DEP to join RGGI, a market-based collaboration among nine Northeast and Mid-Atlantic states to reduce greenhouse gas emissions and combat climate change while generating economic growth. DEP is developing a draft proposed rulemaking Annex A based on the RGGI Model Rule and will present a proposed rulemaking to the EQB no later than July 31, 2020. DEP anticipates bringing the proposed rulemaking before the advisory committees in the first quarter of 2020.

Control of Existing Sources of Emissions from the Oil and Natural Gas Industry - DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC PRO subcommittee on April 11, April 17 and May 7, 2019, respectively. On June 18, 2019, the CAC concurred with moving the proposed rulemaking to the EQB and the Department anticipates presenting it to the EQB in the fourth quarter of 2019. The proposed rulemaking would establish RACT requirements for VOCs from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. It would also reduce methane emissions as a co-benefit.

State Implementation Plan (SIP) Revisions

Nonregulatory SIP Revisions

2012 PM_{2.5} NAAQS SIP Revisions:

- On July 16, 2019 (84 FR 33886) the EPA proposed to approve these SIP revisions and to determine that the Delaware and Lebanon County areas are in attainment.
- On September 30, 2019 (84 FR 51420), the EPA issued its final rule approving the redesignation requests and maintenance plans for Delaware County and Lebanon County 2012 fine particulate matter areas.
- The Allegheny County Health Department developed an attainment demonstration for Allegheny County and submitted it to PA DEP on September 12, 2019. PA DEP submitted this attainment demonstration to the EPA.
- The completeness letter for Allegheny County's PM_{2.5} attainment plan was signed by the EPA on November 1, 2019 and mailed to PADEP on November 5, 2019.