

# **DEP Update on Rulemakings and State Implementation Plan Revisions April 16, 2020 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 Environmental Quality Board (EQB) 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 at the December 12, 2019 AQTAC meeting. The Committee voted 10-3-0 (yes-no-abstain) to concur with the DEP’s recommendation to present the final-form rulemaking to the EQB. DEP expects to present this final-form rulemaking to the EQB in the 2<sup>nd</sup> quarter of 2020.

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 and all surrounding states have already adopted the 15-ppm standard. The draft final-form rulemaking changed the compliance date from 60 days after the date of 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 presented the final-form rulemaking to the EQB on January 21, 2020. The EQB voted unanimously to approve the rulemaking. The final rulemaking was approved by IRRC on March 19, 2020. DEP anticipates publication as final in mid-to-late Spring 2020.

### ***Proposed Rulemakings***

RACT III - On October 17, 2019, DEP presented initial RACT III rulemaking concepts to AQTAC and anticipates presenting proposed rulemaking language to the EQB in the coming months. The current draft proposed rulemaking Annex A was discussed today.

STAGE I & 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 in May or June 2020.

Carbon Dioxide Budget Trading Program- 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. The current draft proposed rulemaking Annex A was discussed today.

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. DEP presented the proposed rulemaking to the EQB on December 17, 2019. The EQB adopted the proposed rulemaking. DEP anticipates that the proposal will be published mid-to-late Spring 2020 for public comment. 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.

Hydrofluorocarbons - DEP presented HFC rulemaking concepts to AQTAC today and anticipates presenting proposed rulemaking language to AQTAC later this year.

### **State Implementation Plan (SIP) Revisions**

#### ***Nonregulatory SIP Revisions***

#### **Second Maintenance Plan SIPs for the 1997 8-hour Ozone Nonattainment Areas**

Over the last three months, the Department published all twelve proposed SIP revisions in the *Pennsylvania Bulletin* for the following 1997 8-hour ozone nonattainment areas: Altoona (Blair County); Clearfield/Indiana Area; Erie County; Franklin County; Greene County; Harrisburg-Lebanon-Carlisle Area; Johnstown (Cambria County); Scranton/Wilkes-Barre Area; State College (Centre County); Tioga County; York/Adams Area; Youngstown-Warren-Sharon Area (OH-PA). On February 27, 2020, six of the twelve SIP revisions were submitted to EPA for approval; the last six SIP revisions were submitted to EPA on March 10, 2020.

#### **2015 8-hour Ozone Infrastructure State Implementation Plan**

The Infrastructure State Implementation Plan (I-SIP) for the 2015 Ozone 8-hour NAAQS was published in the PA Bulletin on March 14, 2020.

#### ***Regulatory SIP Revisions***

PM<sub>2.5</sub> Precursors – The final-form rulemaking was published in the *Pennsylvania Bulletin* on December 21, 2019, at 49 Pa.B. 7404. DEP will submit the final-form rulemaking to the EPA as a revision to the Commonwealth's SIP. The final-form regulation implements recently promulgated federal requirements for the regulation of volatile organic compounds (VOC) and ammonia as precursor emissions to the formation of PM<sub>2.5</sub>. This final-form rulemaking also removes the requirement that applications for plan approvals and operating permits for portable sources be submitted by hand delivery or certified mail return receipt requested to allow for greater flexibility in submitting these applications to DEP