

DEP Update on Rulemakings and State Implementation Plan Revisions August 13, 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 and with the SBCAC on January 22, 2020. AQTAC voted 10-3-0 (yes-no-abstain) and the SBCAC voted 3-2-0 (yes-no-abstain) to concur with the DEP’s recommendation to present the final-form rulemaking to the EQB. DEP presented this final-form rulemaking to the EQB on *July 21, 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-form rulemaking was approved by IRRC on June 18, 2020. The final-form rulemaking was published in the Pennsylvania Bulletin on July 25, 2020, with a compliance date of September 1, 2020. Additionally, on July 25, 2020, DEP issued a limited suspension of enforcement for No. 2 and lighter commercial fuel oil due to the unusually warm winter of 2019-2020, which left remaining inventories at a high level. This enforcement discretion is provided from September 1, 2020 through February 28, 2021 and only applies to fuel that is already stored at distributors or retail outlets before July 25, 2020.

Proposed Rulemakings

RACT III - On October 17, 2019, and February 13, 2020, DEP presented initial RACT III rulemaking concepts to AQTAC. Draft proposed rulemaking language was discussed with AQTAC on April 16, 2020. The draft proposed rulemaking language was discussed with SBCAC on April 22, 2020, and SBCAC did not express any concerns. SBCAC voted 7-0-0 (yes-no-abstain) to concur with the Department’s recommendation to move the proposed rulemaking forward to the EQB. The draft proposed rulemaking was presented to AQTAC on

May 7, 2020, for action. AQTAC voted 17-2-0 (yes-no-abstain) to concur with the Department's recommendation to move the proposed rulemaking forward to the EQB, with the understanding that DEP would revise the definition for "natural gas compression and transmission facility VOC air contamination source." The draft proposed rulemaking language was discussed with the CAC PRO on May 8, 2020. The CAC discussed the draft proposal on May 19, 2020, and concurred with the Department's recommendation to move the proposal forward to the EQB for consideration. DEP anticipates bringing the proposed rulemaking to the EQB in the 4th quarter of 2020.

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. The proposed rulemaking was presented to the EQB on May 19, 2020. The proposed rulemaking is anticipated to be published in the Pennsylvania Bulletin in the next two months.

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 provided an update on the CO2 Budget Trading Program to AQTAC on April 16, 2020. DEP provided an update on the program to the SBCAC on April 22, 2020. Members of SBCAC expressed concerns regarding the impact of the program on small businesses during this time of economic uncertainty due to COVID-19 mitigation efforts. A special joint informational session about the program was held for AQTAC and the CAC on April 23, 2020. This session was open to the public. DEP presented the draft proposed rulemaking language to AQTAC on May 7, 2020, for action. By votes of 9-9-1 and 4-9-1, respectively, the two advisory groups failed to concur with the Department's recommendation to forward the proposed rulemaking to the EQB. DEP staff briefed the CAC Policy and Regulatory Oversight Committee about the proposed rulemaking on May 8, 2020. The CAC voted on May 19, 2020, against the advancement of the proposed rulemaking to the EQB. DEP presented the draft proposed rulemaking language to the SBCAC on July 22, 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. DEP presented the proposed rulemaking to the EQB on December 17, 2019. The EQB adopted the proposed rulemaking. 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. The proposed rulemaking was published in the Pennsylvania Bulletin at 50 PaB 2633 on May 23, 2020, for public comment. The public comment period closed July 27, 2020.

Proposed Rulemaking: Large Petroleum Dry Cleaners, Shipbuilding and Repair Coatings Operations, and SOCMI Reactors, Distillation, and Air Oxidation Processes:- The Department presented this rulemaking as an informational item to the committee today and anticipates bringing this rulemaking as an action item at the next AQTAC meeting.

Hydrofluorocarbons - DEP presented HFC rulemaking concepts to AQTAC on April 16, 2020, and to the SBCAC on April 22, 2020. DEP anticipates bringing proposed rulemaking language to the committees later this year.

State Implementation Plan (SIP) Revisions

Nonregulatory SIP Revisions

1997 8-hour Ozone NAAQS 2nd Maintenance Plans

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. The Department is working to submitting the final package to EPA in the near future.

Regulatory SIP Revisions

PM_{2.5} Precursors – The final-form rulemaking was published in the *Pennsylvania Bulletin* on December 21, 2019, at 49 Pa.B. 7404. 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_{2.5}. 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. DEP submitted the final-form regulation to the EPA on March 10, 2020, as a revision to the Pennsylvania SIP.