

Pennsylvania Department of Environmental Protection
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING
 Finalized Minutes 12/9/2021

Air Quality Technical Advisory Committee (AQTAC) Members Present (via Webex or in person)

Rob Altenburg	☒	R. Scott Brown	☒	Kimberly Coy	☒	Joseph Duckett	☒
Josephine Gaskey	☒	Jayne Graham	☒	Joseph Guzek	☒	Christine Heath	☒
Michelle Homan	☒	Charles McPhedran	☒	Michael Nines	☒	Patrick O’Neill*	☒
Marianne Payne	☒	Richard J. Shaffer	☒	John Shimshock	☒	John Slade	☒
Kevin Stewart	☒	John Tissue	☒	John Walliser	☒	*Joined after roll call	

<u>Department Staff (joined via Webex or in person):</u>			
Deborah Wehr	Matt Toth	Krish Ramamurthy	John Krueger
Mark Hammond	Nash Bhatt	Charles Boritz	Viren Trivedi
Sarah Pinter	Bo Reiley	Jennie Demjanick	Vincent Pascucci
Darek Jagelia	Susan Foster	Lucas Hershey	Nancy Herb
David Clark	Kirit Dalal	Alexandra Caluseriu	Elizabeth Davis
James Layton	Panna Chibber	Joseph Schlosser	Valerie Shaffer

<u>Others Present (joined via Webex or in person):</u>		Felix Lisa, PA Senate
Dave Talley, EPA	Bill Kesack, CMI	Corinne Brandt, IRRRC
Andrew Ritter Jr., Range Resources	Domenic Tedesco, Penn Energy Resources	David Hess, PA Environment News
Elaine Labalme, EDF	Brian Palmer, ERG Inc.	Emily Eyster, PA Senate
Michael Sherman, Range Resources	Gavin Biebuyck, Liberty Enviro.	Glendon King, PA House of Representatives
Jeremy Hancher, EMap Widner	Heather Empfield, XPR Resources LLC	John Schmelzle, Power Engineers
Joe McCay, Williams	Greg Vitali, PA House of Representatives	Nadia Steinzor
Jonathan Lutz, API	Laura King, SLR Consulting	Regina Henry, EQT
Lee Ann Briggs, EMap Pitt	Mark Beston, ERM	Ronald Furlan
Matt Rucci, Greenlee Partners	Michael Rubinkam, Associated Press	Laura Legere, Pittsburgh Post Gazette
Ned Mulcahy, GASP	Mark Huncik	Patrick Henderson, MSC
Vanessa Lynch, Mom’s Clean Air Force	Rachel McDevitt, State Impact	Robert Routh, Clean Air Council
Susan Hoheneder, Exelon	Sarah Iversen, PA House of Representatives	Shannon Dawson, Wojdak

CALL TO ORDER & ADMINISTRATIVE ITEMS

Vice Chair Jayme Graham called the meeting to order at 9:21 am. She asked for committee members present in the room as well as online to introduce themselves to take the roll call. The Department staff in the room were also introduced.

Approval of Minutes

Joe Duckett asked for the words “of his car” to be struck from page 3 of the minutes from the 10/14/2021 meeting. A motion to approve the minutes as amended was made by Kevin Stewart and seconded by Joe Duckett. The motion passed unanimously.

Election of Officers

John Tissue had pre-circulated nominations to the committee, but due to members declining their nominations, only one name for each position remained: Patrick O’Neill for Chair and John Tissue for Vice Chair. John suggested and Vice Chair Graham allowed additional nominations to be made by the committee; however, none were made. A motion was made to close nominations and accept the ballot. John Walliser made the motion; Joe Duckett seconded the motion. It passed unanimously.

Rob Altenburg pointed out that the Committee had not elected anyone to the positions, only accepted the ballot. Therefore, he made a motion to elect the names on the ballot, and John Walliser seconded the motion. The vote passed unanimously making Patrick O’Neill the AQTAC Chair and John Tissue the Vice Chair.

Discussion about By-Law Change

Since Patrick O’Neill was not present at the time, this discussion was postponed until later in the meeting.

PRESENTATION

The Draft Final-Form Rulemaking for Control of VOC Emissions from Oil and Natural Gas Sources was presented by Naishadh Bhatt, DEP Bureau of Air Quality (BAQ).

Discussion

AQTAC member Kim Coy asked when the technical support document and response to comments will be made available, and she questioned the tagging of all continuous bleed controllers. Viren Trivedi, Permits Chief, replied that the final-form rulemaking documents will be available on the Environmental Quality Board’s (EQB) website once the Department is ready to move forward with presenting the final-form rulemaking to the EQB. He also shared that BAQ will discuss the tagging issue with EPA to be consistent with other regulations.

Follow-up. She further asked about LDAR requirements concerning the 2% step down provision as opposed to a production basis. Mark Hammond, BAQ Director, responded that the Department looked at Pennsylvania-specific data. This showed production is a more reliable predictor of leaks, but that a tiered inspection threshold based on production will ensure this requirement is not overly burdensome. This will be further discussed in the final-form rulemaking’s comment-response document.

Kim Coy also asked about a well site that would fall under numerous programs with different dates of when to monitor the equipment, and if the Department would entertain a way where a site could meet just one. Viren responded that after the rulemaking is finalized, the Department will evaluate and attempt to streamline all requirements consistent with the rulemaking. He stated that the Department would accept the Committee's suggestions on that process.

Rob Altenburg asked if the recent spike in gas prices was considered in the economic feasibility of the rulemaking. Charles Boritz from BAQ stated that gas prices were not considered due to the volatility in the pricing. The final-form rulemaking documents which will be submitted to the EQB would show the economics which were based on EPA's recommendation to not account for the volatile pricing.

Joe Duckett asked several questions concerning whether this final-form rulemaking is identical to the EPA's CTG in stringency, if the comments reflected this, and about future evaluation of the regulation. Charles said that the Department's rule is either identical to or more stringent than the EPA's CTG. Comments received on the proposed rulemaking ranged from saying the rule was too stringent or not stringent enough. Charles suggested that the annual inventory is a tool that can be used to evaluate the efficacy of the rule. Mark Hammond reiterated that this is a federally mandated rule, which will be put into the State Implementation Plan.

John Walliser questioned if an exemption from annual inspections would also be an exemption from Reasonably Available Control Technology (RACT) requirements. Charles discussed that there are only 38 well sites which are eligible to request an exemption. Mark Hammond reiterated that it is not a RACT exemption; it is only an exemption from a single requirement.

John Tissue questioned if there was guidance for determining which methodologies are to be used for calculations, and if not, suggested something be put out. Charles referenced AP-42 and other EPA methodologies, which are industry-wide accepted methods. He indicated it is a dialogue to determine what is appropriate for each instance.

Chair Patrick O'Neill joined the meeting and Vice Chair Graham turned the lead over to him.

Jayne Graham questioned the emission reduction listed on slide 15. Charles clarified that the first bullet point is the total rulemaking reductions. The second bullet represents reductions over the EPA's CTG due to this final-form rulemaking's additional stringency, and the third is the change from what was presented in the proposed to final. Mark Hammond clarified that the reductions listed in the third bullet point are due to better, Pennsylvania-specific numbers used in the calculations.

Christie Heath questioned control device performance testing requirements as opposed to using operating parameters in the rule. Charles explained that the performance testing requirements came from EPA's CTG.

PRESENTATION

Kirit Dalal, Division Chief of Air Resource Management, gave a report on rulemakings and State Implementation Plan (SIP) Revisions.

Discussion

Joe Duckett asked if the case-by-case permits resolves the legal issues with RACT 2. Mark responded that yes but not yet as EPA must approve them as a SIP revision before it is resolved.

Michael Nines and Josie Gaskey both asked if there were other items coming to the Committee in 2022. Mark responded that the regulatory process is always the same in terms of when the Committee will hear about each regulation. He indicated that the Regulatory and SIP Revision report presented at this meeting is the most comprehensive list of BAQ's activities. He also suggested reviewing the Department's published regulatory agenda. John Krueger, Assistant Bureau Director, mentioned that many of the Bureau's activities and functions are required by federal regulations, which will be addressed with the Committee as needed.

The Committee asked if it was possible that RACT 3 would go into effect before it is resolved legally. Mark Hammond said that RACT 3 sources will have a compliance date of January 1, 2023, as set by federal law. The date set by the courts for RACT 2 is before January 1, 2023. *(During the approval of the minutes at the February 10, 2022 meeting, it was questioned and clarified that the court established compliance date for RACT 2 is in August 2022.)*

John Tissue asked about the Regional Greenhouse Gas Initiative (RGGI) compliance date. Jennie Demjanick, attorney for the Department, responded that the concurrent resolution process in the legislature ended without full action from the General Assembly. The Department continues working towards publishing the regulation, which is the last step. Implementation will be based on publication date in the *Pennsylvania Bulletin*.

Discussion about By-Law Change

Patrick O'Neill did not circulate his changes to the entire committee prior to the meeting. ***Follow up.*** He explained that his suggestion is to change electing the chair and vice chair at the first meeting in the odd numbered fiscal years to the first meeting in the even fiscal years. The reasoning is since the Department makes appointments and reappointments for members in June of odd numbered years, it is difficult for newly appointed members to have any knowledge of the candidates to vote.

Public Comments

Vanessa Lynch from Mom's Clean Air Force gave a testimony requesting more stringent limits and regulation for the oil and gas industry in Pennsylvania.

Robert Routh from the Clean Air Council gave a testimony concerning shortcomings of the Department's draft final form rule. Both supplied written remarks.

Follow up: AQTAC liaison will forward to members.

OLD & NEW BUSINESS / OPEN DISCUSSION

Patrick O'Neill opened the meeting for other AQTAC business/open discussion.

Kevin Stewart stated that he would like to see a greater level of analysis in presentations like the oil and gas rulemaking. He thinks seeing spreadsheets, graphs and charts are better than giving numbers in words in a slide.

Mark Hammond mentioned that EPA has proposed methane rules that the Department will be evaluating in the near future. He clarified that the rulemaking discussed today is to meet an existing federal regulation.

The 2022 meeting dates were discussed. Patrick responded that the AQTAC dates are posted on the AQTAC webpage.

Follow up items

- Presentation on fly over data. ***Report is in process, not ready for presentation yet.***
- Department of Health and University of Pittsburgh presentation on the Oil and Gas health effects. ***Joe Duckett contacted Dr. Evelyn Talbott at University of Pittsburgh who is willing to present for the February meeting. Contact information provided to DEP on 12-10-2021. As the joint DOH-UPitt study on this topic is still in progress, it was determined that a presentation would be more appropriate at a later date. Updates about the progress of the study can be found at UPitt's webpage: <https://paenv.pitt.edu/2021/09/30/Quarter-3-2021.html>***
- Election year by-law change. ***Patrick O'Neill will circulate proposed by-law changes to the committee prior to the next meeting and present it to AQTAC for a vote.***
- AQTAC liaison will forward written public comments to members. ***Emailed 12/9/2021.***
- Presentation on the regulatory process for the next meeting. ***Request sent to Department counsel on 12-13-2021.***
- Oil and Gas Rulemaking tagging issue. ***BAQ's Permitting division followed up with EPA and determined that tagging is only required for high-bleed controllers at a location other than a natural gas processing plant, consistent with EPA's New Source Performance Standards Subparts OOOO and OOOOa.***

MOTION TO ADJOURN

Made by Joseph Duckett. Seconded by Kevin Stewart.

With no further business before AQTAC, Patrick O'Neill adjourned the meeting at 11:31am.

Minutes prepared by Deborah Wehr, Air Quality Program Specialist (AQPS). For additional information about AQTAC, please contact the AQTAC Liaison (RA-EPAQTAC@pa.gov) or by visiting the AQTAC Web page at:

<http://www.dep.pa.gov/Business/Air/BAQ/AdvisoryGroups/Air-Quality-Technical-Advisory-Committee/Pages/default.aspx>