

Draft Update on Rulemakings and State Implementation Plan (SIP) Revisions

AQTAC Meeting – October 10, 2024

Final Rulemakings

There are no final air quality rulemakings currently in process.

Proposed Rulemakings

Corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3) (25 Pa. Code Chapter 129)

This proposed rulemaking is necessary to correct administrative errors in § 129.115(c) and (d) as promulgated on November 12, 2022. The draft proposed regulation was discussed with AQTAC on April 4, 2024.

Legal Authority for Delegation of Federal Plans in 40 CFR Part 62 and Clarification of Implementation and Enforcement of State Plans and Delegated Federal Plans

The Department is proposing this rulemaking to amend 25 Pa. Code Chapter 122 (relating to National standards of performance for new stationary sources) to provide the express legal authority for the Department to request delegation of authority from the EPA to implement and enforce the requirements of an applicable Federal Plan established by the EPA in 40 CFR Part 62. The draft proposed regulation was discussed with AQTAC on April 4, 2024.

Regulatory State Implementation Plan (SIP) Revisions

Control of Existing Sources of VOC Emissions from the Oil and Natural Gas Industry

A SIP revision was submitted to the EPA on December 12, 2022. The EPA published a notice of proposed SIP approval on June 28, 2024, at 89 FR 53932. Written comments were due to the EPA on or before July 29, 2024. A review of the EPA docket number EPA–R03–OAR–2023–0300 at regulations.gov shows comments were submitted by Earthjustice and Community In-Power and Development Association.

RACT III Major Sources of NO_x and VOC for the 2015 Ozone NAAQS

A SIP revision was submitted to the EPA on January 13, 2023. Next steps include the EPA's forthcoming evaluation of the approvability of this SIP submission in accordance with the applicable technical and RACT requirements under the CAA.

Large Petroleum Dry Cleaners, Shipbuilding and Repair Coatings Operations, and SO₂ Reactors, Distillation, and Air Oxidation Processes

A SIP revision was submitted to the EPA on May 12, 2023. Next steps include the EPA's forthcoming evaluation of the approvability of this SIP submission in accordance with the applicable technical and RACT requirements under the CAA.

Reasonably Available Control Technology (RACT II)

On March 14, 2024, the Department issued Title V Permits for Conemaugh, Keystone, and Montour Stations incorporating EPA's FIP limits. SIP revisions incorporating these permits were submitted to EPA on April 10, 2024. On July 10, 2024 EPA proposed approving Pennsylvania's SIP revisions and also EPA issued an interim final determination that the SIP revisions satisfy RACT requirements under the CAA and stay the emission offset and highway funding sanctions. The public comment period for these actions closed on August 9.

Reasonably Available Control Technology (RACT) for Volatile Organic Compounds (VOC) Under the 2008 Ozone National Ambient Air Quality Standards (NAAQS)

On August 13, 2018, DEP submitted to EPA two SIP revisions to satisfy certain RACT requirements for sources of VOC emissions required for the 2008 8-hour ozone NAAQS. On December 14, 2020, EPA published a full approval of the SIP submittals. The approval was challenged in the Third Circuit U.S. Court of Appeals and on September 3, 2021, the court granted EPA's request for remand without vacatur of the Agency's final full approval. After reconsideration, EPA proposed on May 17, 2024, to partially approve and partially disapprove the August 13, 2018, SIP submittals. EPA proposed disapproval of the SIP submittals related to CTGs and control of VOC emissions from industrial cleaning solvents. DEP submitted comments on June 13, 2024. On August 16, 2024, EPA finalized their partial approval/disapproval. The final rule is effective on September 16, 2024. In finalizing the disapproval, a sanctions clock under CAA section 179 begins.

Non-Regulatory SIP Revisions

Regional Haze BART (Best Available Retrofit Technology) SIP

DEP published the Regional Haze Best Available Retrofit Technology, State Implementation Plan in the Pennsylvania Bulletin on February 3, 2024. The comment period closed on March 9, 2024. DEP is reviewing comments.

2010 Sulfur Dioxide (SO₂) NAAQS Attainment Demonstration SIP Revisions

On August 18, 2022, EPA published a Final Partial Approval/Partial Disapproval of the Department's SIP revision for Indiana and Armstrong Counties. DEP submitted a new SIP revision to EPA on October 12, 2023. Air Quality Permit SO₂ offset sanctions for Indiana and parts of Armstrong Counties went into effect on March 19, 2024. On June 7, 2024, EPA proposed approval of the SIP and the public comment period closed on July 8, 2024.

Determinations of Attainment by the Attainment Date (DAAD) 2015 Ozone NAAQS

On October 7, 2022, the EPA published a final rule: Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone NAAQS. This rule became effective on November 7, 2022. Action was taken on 28 nonattainment areas classified as marginal for the 2015 ozone NAAQS. Of those 28 nonattainment areas, five areas attained the standard, 22 failed to attain it, and one area received an extension. These areas were required to attain the 2015 ozone NAAQS by August 3, 2021. The Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Area was reclassified from

marginal to moderate nonattainment. The “bumped up” area includes Bucks, Chester, Delaware, Montgomery, and Philadelphia counties and is now required to attain the standards by August 3, 2024.

Comment period closed Sep 7, 2023. Ten people commented. The EPA, Clean Air Council, and 8 people who all had the same letter saying that they wanted to have a hearing in Philadelphia city.

DEP submitted the SIP revision to the EPA on October 4, 2023.

On July 30, 2024, EPA approved Pennsylvania, Delaware, Maryland and New Jersey’s request to voluntarily reclassify the multistate Philadelphia Area from moderate to serious for the 2015 ozone standard. The reclassification avoids an EPA finding of failure to attain the 2015 ozone standard, disapproval of DEP’s September 2023 attainment demonstration and a sanction clock. The serious nonattainment area SIP revision will likely be due to EPA by January 1, 2026 with a new attainment date of August 3, 2027.

Inspections/Maintenance (I/M) Certification SIP

DEP submitted the SIP revision to the EPA on September 29, 2023. No Update.