

Update on Rulemakings and State Implementation Plan (SIP) Revisions

AQTAC Meeting – February 6, 2025

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. It was adopted by the EQB on Nov 12, 2024, and approved for public comment. This proposed rulemaking is anticipated to be published in the Pennsylvania Bulletin for public comment during the first quarter of 2025.

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. This proposed rulemaking is anticipated to be considered by the EQB during the second quarter of 2025.

Regulatory State Implementation Plan (SIP) Revisions

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 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. EPA published final approval of the SIP on November 6, 2024.

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 SOCMR 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) 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 its partial approval/disapproval. The final rule is effective on September 16, 2024. In finalizing the disapproval, a sanctions clock under CAA section 179 began.

Non-Regulatory SIP Revisions

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 September 13, 2024, EPA published a final approval of the SIP, turning off offset sanctions in the area.

2015 Ozone NAAQS Attainment Demonstration SIP Revision

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 be due to EPA by January 1, 2026, with a new attainment date of August 3, 2027.

Beaver SO₂ Redesignation Request and Maintenance Plan

On May 18, 2024, DEP opened the public comment period for the Beaver Redesignation Request and Maintenance Plan for the 2010 SO₂ NAAQS. The public comment period closed on June 21, 2024. A public hearing to receive comments was held on June 18, 2024 at the DEP Southwest Regional Office. The Redesignation Request and Maintenance Plan was submitted to EPA on August 15, 2024.

Harrisburg/York PM 2.5 Air Quality Maintenance Plan

Between September 28 and November 1, 2024, the DEP opened a public comment period for the Harrisburg/York Air Quality Maintenance Plan for the 2006 PM2.5 NAAQS. The Department is finalizing the Maintenance Plan to submit to EPA.

PM2.5 NAAQS

On February 7, 2024, EPA lowered the annual National Ambient Air Quality Standards for Fine Particulate Matter (PM2.5 NAAQS) from 12.0 to 9.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). EPA identified seven Pennsylvania counties in non-attainment based on 2020-2022 air quality monitoring data. On December 21, 2024, published four proposed non-attainment areas: Allegheny County; Cumberland, Dauphin and York Counties; Lancaster County; and Delaware, Montgomery and Philadelphia Counties. Public hearings were held on January 21 and January 23 and the public comment period closed on January 20, 2025.