

# **Update on Rulemakings and State Implementation Plan (SIP) Revisions**

## **AQTAC Meeting – May 8, 2025**

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

#### **Reasonably Available Control Technology (RACT III)**

The rulemaking was published in the Pennsylvania Bulletin on November 12, 2022. The Federally mandated deadline for compliance by regulated facilities was January 1, 2023. A SIP revision was submitted to EPA on January 13, 2023, for their review and action. However, 25 Pa. Code §129.115(c) (relating to written notification, compliance demonstration and recordkeeping and reporting requirements), was not included in the SIP revision due to administrative and mathematical errors in the mass-equivalent basis factors. To correct these errors and a cross-reference error in 129.115(d), the Department drafted revised language which it presented to the Air Quality Technical Advisory Committee (AQTAC) and the CAC on April 4 and May 14, 2024, respectively. The Department presented the proposed rulemaking to the EQB on November 12, 2024, who voted unanimously to adopt it. The proposed rulemaking was published for public comment on January 25, 2025. *Public hearings were held on February 25 and 26 and no comments were received.* The deadline for written comments to the EQB was March 28, 2025.

Air Quality regional staff reviewed 62 of 63 RACT II equals RACT III determinations and 26 of 94 case-by-case RACT determinations received from major sources of NO<sub>x</sub> and VOC. A public comment period and hearing is being offered for each of these permitting actions. DEP submitted 57 RACT II equal RACT III determinations to EPA on October 30, 2024.

#### **State Plans and Delegation of Federal Plans**

The Department is proposing 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 Department presented drafted revised language to AQTAC and the CAC on April 4 and May 14, 2024, respectively. The Department anticipates presenting the proposed State Plan at the April EQB meeting.

### **Non-Regulatory SIP Revisions**

#### **2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS) Redesignation**

On February 22, 2023, the EPA Region III Administrator sent Governor Shapiro a “120-Day Letter” proposing to reclassify several townships in Westmoreland County and Cambria County from “attainment” to “nonattainment” for the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS. The Department reviewed the technical support document accompanying the “120-Day Letter” and responded with comments on June 22, 2023.

On February 7, 2024, EPA proposed creating a new 2010 SO<sub>2</sub> NAAQS non-attainment area, specifically Lower Yoder Township (Cambria County); St Clair Township, Seward Borough (Westmoreland County), and New Florence Borough (Westmoreland County). EPA published a 45-day public comment period on February 12, 2024. On December 17, 2024, EPA published reclassification of the

area from “attainment” to “nonattainment” effective January 16, 2025. Within 18 months of the effective date, DEP is required to submit a state implementation plan (SIP) to EPA demonstrating how the 2010 SO<sub>2</sub> NAAQS will be attained in these partial counties. *On February 17, 2025, Seward Generation filed a Petition for Administrative Reconsideration with EPA.*

#### 2015 Ozone National Ambient Air Quality Standards

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 SO<sub>2</sub> 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 SO<sub>2</sub> 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

On September 28, 2024, DEP opened the public comment period for the Harrisburg/York Air Quality Maintenance Plan for the 2006 PM<sub>2.5</sub> NAAQS. The Department provided the opportunity for a public hearing on October 30, 2024, at Rachel Carson State Office Building. The public comment period ended on November 1, 2024. After preparing a Comment and Response document, DEP submitted the SIP revision to EPA on February 7, 2025.

#### PM<sub>2.5</sub> NAAQS

On February 7, 2024, EPA lowered the annual National Ambient Air Quality Standards for Fine Particulate Matter (PM<sub>2.5</sub> NAAQS) from 12.0 to 9.0 micrograms per cubic meter (µg/m<sup>3</sup>). EPA identified seven Pennsylvania counties in non-attainment based on 2020-2022 air quality monitoring data. On December 21, 2024, DEP 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 23 and the public comment period was extended to January 28, 2025. *DEP anticipates submitting its PM<sub>2.5</sub> non-attainment recommendations to EPA soon.*

#### PM<sub>2.5</sub> Exceptional Event Analysis

On February 15, 2025, the Department published for public comment an Exceptional Event Analysis for PM<sub>2.5</sub> in York County for elevated levels of fine particulate matter caused by the summer of 2024 Canadian wildfires. The public comment period ended on March 17, 2025.

#### 2008 Ozone NAAQS VOC RACT

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 Control Technique Guidelines (CTGs) and control of VOC emissions from industrial cleaning solvents. DEP submitted comments on June 13, 2024. On August 16, 2024, EPA published its partial approval/disapproval with an effective date of September 16, 2024, starting an 18-month sanctions clock. DEP is working with EPA to address the deficiencies.

O&G Methane State Plan (OOOOc)

BAQ presented the Department's proposal to incorporate the federal Emissions Guidelines for Greenhouse Gas (GHG) Emissions from Existing Crude Oil & Natural Gas Facilities (40 CFR Part 60 Subpart OOOOc) into a State Plan to AQTAC, SBCAC, CAC/EJAB, O&G TAB, and CDAC on October 10, October 23, November 12, December 5 and December 12, respectively. The Department presented its proposal a second time to AQTAC and SBCAC on February 6 and 26, 2025, respectively. The Department must submit its State Plan to EPA no later than March 8, 2026.