

Pennsylvania Department of Environmental Protection (DEP)
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING
Draft November 6, 2025 Meeting Minutes

Attendance

Air Quality Technical Advisory Committee (AQTAC or Committee) members present via Teams or in-person.

Rob Altenburg <input checked="" type="checkbox"/>	Joseph Guzek <input checked="" type="checkbox"/>	Richard Shaffer <input checked="" type="checkbox"/>	John Tissue <input checked="" type="checkbox"/>
Scott Brown <input checked="" type="checkbox"/>	Christine Heath <input checked="" type="checkbox"/>	John Shimshock <input checked="" type="checkbox"/>	Maryjoy Ulatowski <input checked="" type="checkbox"/>
Kimberly Coy <input checked="" type="checkbox"/>	Charles McPhedran <input checked="" type="checkbox"/>	John Slade <input checked="" type="checkbox"/>	Shaun Vozar <input checked="" type="checkbox"/>
Joseph Duckett <input checked="" type="checkbox"/>	Michael Nines <input checked="" type="checkbox"/>	Kevin Stewart <input checked="" type="checkbox"/>	John Walliser <input checked="" type="checkbox"/>

Call To Order & Administrative Items

Chair John Tissue called the meeting to order at 9:15 a.m.

Approval of Minutes

John Tissue requested a motion to approve the 5/5/25 meeting minutes. Shaun Vozar made a motion to approve. Rob Altenburg seconded. Hearing no opposition, John Tissue moved to approve the minutes.

Public Comment Period

One individual signed up in advance of the meeting. The comment is summarized below:

Thomas Bailey, Concerned PA Citizen from Penn Hills

Tom Bailey, a former teacher and attorney, urged DEP to clarify its position on climate change amid conflicting federal and state policies, particularly as EPA moves to rescind the 2009 Endangerment Finding. Highlighting Pennsylvania's Climate Change Act and his recent engagement with the Climate Change Advisory Committee, Mr. Bailey supports adoption and robust enforcement of DEP's proposed Methane Emissions Plan, grounded in the Clean Air Act and Pennsylvania's Article 1, Section 27 of our PA Constitution aka the Environmental Rights Amendment. Mr. Bailey also urged DEP to reconsider the 500-foot setback distance as it may be insufficient. He emphasized the duty of the Commonwealth to act as a public trustee of Pennsylvania's public natural resources: being prudent, impartial and loyal to the purpose of the trust and the trust beneficiaries, not the crude oil and natural gas companies. The trust beneficiaries are all PA residents, including generations yet to come.

A copy of the entire written comment was sent to the AQTAC members after the meeting.

Presentation

Proposed Guidance Revisions: Regional Civil Penalty Assessment Procedures and Compliance Assurance Policies (CAP)

Presented by Deborah Wehr and Todd Starner, DEP

Discussion

Charles McPhedran asked if DEP could provide the amount received in penalties annually and how often the penalty policies are used by DEP staff. John Krueger indicated that the amount is over two million per year as some of the money is provided to the local municipalities as required by Act 57. Nancy Herb stated we did not have information compiled prior to the meeting related to how often DEP staff uses the policies, but we would follow up after the meeting.

Joe Duckett asked what prompted the DEP to go forward with the revisions at this time. Nick Lazor responded that the revisions were long overdue. Mr. Duckett also asked what is meant by late penalties. Todd Starner responded that the late penalties referenced by the CAPs are for facilities with Continuous Emission Monitoring Systems (CEMS) that are delinquent with their quarterly submissions. Other late penalties in the Air Program include the Air Pollution Control Act specified penalty for late payment of Title V emission fees and penalties for

late permit fees, for example late submittal of annual permit maintenance fees under Section 2 d of the draft revised Guidance for Application of Regional Civil Penalty Assessment Procedure.

Christine Heath asked if the policies are currently online and accessible to the regulated community. Deb Wehr confirmed the policies are publicly available on the DEP eLibrary, John Shimshock asked if the documents will be replaced on eLibrary once they are revised. Todd Starner answered yes.

John Tissue commented that for facilities with CEMS, there can be very large penalties calculated that are often negotiated to much lower values by the regional DEP offices. Mr. Tissue also asked how “late” is interpreted for re-submissions. He commented that DEP could try to incentivize good behavior and asked if DEP calculated the maximum penalty for each policy (specific to CEMS). Mr. Tissue also pointed out that if a facility with CEMS realized after they submitted their report that there was an error and would like to re-submit the data with the corrections, the submission may then be subject to late fees. So, the facility would face a penalty for identifying their own error and trying to fix it. John Krueger indicated that DEP staff that work on these documents were taking notes on Mr. Tissue's questions and suggestions. Mr. Krueger responded that the documents are *assessment* policies, and therefore the regional staff can consider all the factors and potentially lower the penalty. Mr. Tissue asked if the policies are really useful if there is a large discrepancy between the numbers that are calculated by the policies compared to what the regions actually charge for the penalty. Does this disincentivize companies from accurately reporting problems with their systems to DEP if they believe they will be charged a very large penalty. Joe Guzek commented that he also works with clients who sometimes get monetary penalty amounts with very high numbers. Mr. Guzek noted that penalties are often adjusted, but the initial value may be geared to get the attention of the facilities' leadership (like the company CEO). DEP will consider this feedback when continuing the revisions of these documents.

Presentation

VOC RACT Rule: Oil & Gas Reporting-Presented by Cary Miller, DEP

Discussion

Joe Duckett asked if under the regulatory requirements it is practical to achieve 95% capture. Cary Miller responded that the federal regulation (OOOOb) requires that the primary method be capture and most of the unconventional industry has been moving that way for five to ten years. Mr. Duckett asked if the conventional wells will be able to follow suit. Mr. Miller said it is much less typical for conventional wells to have thresholds above the level where control will be required.

John Walliser stated appreciation for the outreach that DEP has been doing to conventional operations. He asked if DEP can speak to the success rate so far for the reporting. Cary Miller responded that everyone DEP has reached out to so far as has been appreciative of the reporting spreadsheet template. The challenge is getting the word out so DEP is still working on that. Mr. Walliser asked if the reports were required by June 1 or if there was a grace period. Mr. Miller said there was not a grace period.

Kevin Stewart indicated that the presentation gave a good overview of the landscape of the industry. He suggested that DEP could present a report in a few years to show the success of this program. Mr. Stewart asked if DEP could outline a few of the main capture techniques. Mr. Miller discussed the typical method for capture on well pads. Some discussion regarding capture and flare techniques and leak inspections occurred.

Mr. Tissue asked if DEP will circle back around to make sure that the reporters are reporting as accurately as they can once everyone is on board with the new reporting effort. Mr. Miller agreed.

Presentation

Draft Proposed Regulation 25 Pa. Code Chapters 121 and 127: Administrative Amendments to General Provisions and Permitting Notification Requirements-Presented by Luke Zeisloft and Viren Trivedi, DEP

Discussion

Joe Duckett asked whether someone at DEP is following the changes occurring at the federal level. Nick Lazor responded that DEP is staying up to date with federal movements. These corrections, however, are about two years in the making so they are not related to recent changes. Mr. Duckett followed up by commenting that some state regulations reference federal regulations and some do not. He asked if some state regulations would not be affected, therefore, by things happening with deregulation at the federal level. Mr. Lazor said the Air Pollution Control Act gives DEP broad authority and DEP is also following the federal updates.

John Tissue commented that the definition of responsible official has changed and asked if DEP has identified the related forms that are affected by changes in the definitions. Viren Trivedi (DEP) indicated that all the instructions and forms will be updated accordingly.

Christine Heath indicated it makes sense to reduce the number of days the notices have to be published in the newspaper. She asked if DEP has evaluated if that requirement can be removed given the reduction in circulation of newspapers. Mr. Trivedi indicated DEP has looked into this, but there is still value currently in the newspaper notices. The public can also comment on the need for the newspaper notice during the public comment period. Ms. Heath also asked about the definition of commence operations. There is EPA guidance on commissioning activities that may conflict with DEP's definition of commence operation. Mr. Trivedi explained DEP's definition of commence operation. DEP considers operation of any source as commence operation. DEP does not have official guidance on this subject but will consider revising the definition or clarifying in a preamble.

Presentation

Regulatory Development and State Implementation Plan Update-Presented by Joe Martini, DEP

Discussion

John Tissue commented that DEP had previously asked AQTAC for ideas about ozone contingency measures. A drive was set up on SharePoint where AQTAC members could upload information about this subject to send it to DEP. Deborah Wehr commented that there were a few comments that have been read and are appreciated.

John Krueger commented that the format of the Regulatory and SIP update presentation has changed as a PowerPoint is now included whereas in the past just a PDF document was provided. Mr. Krueger suggested that if the AQTAC members liked the old format, they can still view the document if they go to the Citizen's Advisory Council website and read the section from Air Quality. Joe Martini indicated he is also receptive to feedback on the presentation and format.

Presentation

Introduction to Data Centers and Air Quality-Presented by Susan Barnes, Trinity Consultants

Discussion

Charles McPhedran commented that the presentation seemed to indicate data centers get most of their power from the grid but have backup generators. He commented there is a different model where data centers have on site generation, but they will still need the backup generators for emergencies. He asked if Ms. Barnes could comment on sites where diesel generators play a more routine role in the day-to-day operations. Ms. Barnes commented that she has not seen examples of instances where the diesel generators were used besides for backup power.

John Shimshock asked for facilities that are drawing their primary power from the grid, if Ms. Barnes is aware of any facilities that have opted into a demand-response program. Ms. Barnes is not aware of any facilities that have because of the way the federal regulations are structured, and they are permitted as emergency generators.

Kevin Stewart asked if Ms. Barnes knows what fraction of the time emergency equipment is run. Ms. Barnes indicates the average is 10 hours per year. There was some discussion about the Actual verses Potential Emissions slide and the graphic. Since the information was provided by Mid Atlantic Regional Air Management Association (MARAMA), it is hard to know exactly what the full situation was without understanding more about that data center. Mr. Stewart expressed concern that when the emergency generators run, there could be local effects near the facility.

Michael Nines commented that there are many other factors involved in data centers. For example: noise, cooling towers, tanks or non-traditional pollutant profiles. Ms. Barnes indicated in terms of size, most are two to three megawatts per generator with about 100 to 200 generators. There is a wide variety of what data centers look like, mostly affected by the air permitting requirements in the area. A lot of data centers have a zero-discharge model for water. Diesel tanks do not have large emissions, but they are permitted in some states. Some states include noise in air permitting regulations. Noise studies are done on most data centers, and some states require developers to provide a copy of the noise study.

Old & New Business / Open Discussion

John Tissue opened the meeting for AQTAC business/open discussion.

Old Business

John Tissue provided an update on the AQTAC guidance document review subgroup. The group recently met several times and identified the Source Testing Manual as the first document they plan to review and provide comments on. John Slade is leading the effort for that review. Mr. Slade expressed some concerns about the Source Testing Manual including that fact sheets are being used to modify the policy set forth in the manual. Additional discussion about the work group occurred. They will continue meeting to work on suggested revisions.

John Tissue asked about the status of the Western PA oil and gas monitoring study in Washington County that Sean Nolan mentioned in his presentation from the May 2025 meeting. AQTAC was interested in the study. John asked if there is any information about the study or data from the study that could be presented at the next meeting. Nick Lazor indicated DEP has less than a year's worth of data at this point. There is not a lot yet to draw conclusions from but said we can look at presenting something at the next meeting.

New Business

John Tissue commented that suggested meeting dates for 2026 were provided by DEP. The AQTAC members discussed the proposed dates, and no concerns were noted. Joe Duckett noted if the meetings continue to be hybrid format, there should be no issue. Joe Guzek motioned to accept the dates as provided. Christie Heath seconded the motion. Hearing no opposition, John Tissue made a motion to accept the meeting dates for 2026. The 2026 meeting dates are:

Thursday, February 5, 2026
Thursday, May 14, 2026
Thursday, August 6, 2026
Thursday, November 5, 2026

Charles McPhedran commented that he appreciates the new format of the Reg and SIP update presentation but suggested if the old format document is being prepared anyway, perhaps DEP would provide it because it is good reference document. John Tissue agreed with the suggestion.

Joe Duckett commented that it would be helpful if DEP could include a section on any movement happening at the federal level that might impact air quality in Pennsylvania. Mr. Duckett suggested that it could be added to the Reg and SIP update presentation. Mr. Lazor responded that DEP would discuss this internally and see if they are able to assist with this request.

Meeting Action Items

The following action items were identified during the meeting:

- Joe Duckett requested an action item list be included in the meeting minutes. [This list was developed and will be added to meeting minutes.]
- Joe Duckett asked if DEP would consider including a federal regulatory update agenda item to discuss any items that we believe may impact air quality. [DEP met with AQTAC leadership and developed a strategy for the next meeting.]
- Charles McPhedran asked how often the penalty policies are used by DEP staff. [Follow-up email sent to AQTAC members on December 2.]
- The AQTAC 2026 meeting dates were approved by the committee and the AQTAC liaison was to ensure the new dates were posted on the website. [Dates have been posted.]
- Charles McPhedran asked if BAQ could again include the PDF document previously provided during the recurring Regulatory and SIP update presentations at future meetings. [The document will be provided at future meetings.]
- John Tissue asked about the status of the western PA oil and gas monitoring study and if DEP could do a presentation at a future meeting. [A presentation has been prepared for the February AQTAC meeting.]

Adjournment

With no further business before AQTAC, John Tissue requested a motion to adjourn the meeting. Joe Duckett made a motion to adjourn. Joe Guzek seconded. John Tissue, hearing no opposition, adjourned the meeting at 11:54 am.

The next AQTAC meeting is Thursday, February 5, 2026.

Minutes prepared by Kristina Snurkowski Air Quality Program Specialist (AQPS). For additional information about AQTAC, please contact the AQTAC Liaison (RA-EPAQATAC@pa.gov) or by visiting the AQTAC Web page at: <https://www.pa.gov/agencies/dep/public-participation/advisory-committees/air-advisory-committees/air-quality-technical-advisory-committee.html>