

Proposed Revision to Remove the Repealed Pennsylvania Portable Fuel Container Regulation from Pennsylvania's State Implementation Plan;

Public Hearing

The Environmental Quality Board amended Chapter 130 with a final-omitted rulemaking process that repeals Subchapter A, Portable Fuel Containers. The Portable Fuel Containers (PFC) regulation controlled volatile organic compound emissions from gasoline containers; the repeal of the regulation became effective on July 14, 2012, upon publication in the *Pennsylvania Bulletin*. The Commonwealth's PFC regulation was codified at *Title 25*, Chapter 130, Subchapter A, as set forth in §§ 130.101 – 130.108, published 32 *Pa.B.* 4819 (October 5, 2002). The U.S. Environmental Protection Agency approved the PFC regulation as a revision to Pennsylvania's State Implementation Plan (SIP) on December 8, 2004 (69 FR 70893). The SIP approval is codified at 40 CFR 52.2063(c)(229).

The PFC rule reduced emissions of volatile organic compounds by requiring portable gasoline containers to be designed to reduce emissions while in use and in storage. The Commonwealth's rule required containers to have automatic shutoff spouts to reduce storage and to be designed in a way that reduced evaporation of stored gasoline. The Commonwealth's portable fuel container regulation became less stringent than Federal standards, when a Federal rule was promulgated on February 26, 2007. The Federal rule is more stringent because it requires PFC manufacturers to make design changes that reduce emissions, it applies to types of fuel containers other than gasoline, and it applies nationwide which reduces the chance for cross-border sales.

The Department is seeking comment only on the revision to remove the PFC regulation from the Commonwealth's SIP. The Department will hold one public hearing to receive oral testimony on the proposed SIP revision to satisfy requirements of Section 110(a)(2) of the Clean Air Act. A hearing will be held in Harrisburg on Tuesday, January 14, 2014, at 1 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. The proposed SIP revision is available on the Department's web site at www.dep.state.pa.us (choose Air Plans) or through the contact persons listed below.

Persons who wish to present testimony at a scheduled hearing should contact Alex Haas, P.O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or by e-mail at alehaas@pa.gov. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing. If, by Thursday, January 9, 2014, no person has expressed an interest in testifying at the hearing, the hearing will be cancelled. The Department will notify the public if the hearing is cancelled on the Bureau of Air Quality webpage, <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at (717) 787-9495 or alehaas@pa.gov. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than January 14, 2014. Written comments should be sent to the attention of Kirit Dalal, Air Resource Management Division Chief, Bureau of Air Quality, P.O. Box 8468, Harrisburg, PA 17105-8468, or kdalal@pa.gov . Use “PFC SIP Revision” as the subject line in written communication.

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ACTING SECRETARY