

Pennsylvania Department of Environmental Protection
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Finalized Minutes 2/10/2022

Air Quality Technical Advisory Committee (AQTAC) Members Present (via Webex or in person)

Rob Altenburg	<input checked="" type="checkbox"/>	R. Scott Brown	<input checked="" type="checkbox"/>	Kimberly Coy	<input checked="" type="checkbox"/>	Joseph Duckett	<input checked="" type="checkbox"/>
Josephine Gaskey	<input checked="" type="checkbox"/>	Jayne Graham	<input checked="" type="checkbox"/>	Joseph Guzek*	<input checked="" type="checkbox"/>	Christine Heath	<input checked="" type="checkbox"/>
Michelle Homan	<input type="checkbox"/>	Charles McPhedran	<input checked="" type="checkbox"/>	Michael Nines	<input checked="" type="checkbox"/>	Patrick O'Neill	<input type="checkbox"/>
Marianne Payne	<input checked="" type="checkbox"/>	Richard J. Shaffer	<input checked="" type="checkbox"/>	John Shimshock	<input checked="" type="checkbox"/>	John Slade	<input checked="" type="checkbox"/>
Kevin Stewart	<input checked="" type="checkbox"/>	John Tissue	<input checked="" type="checkbox"/>	John Walliser	<input checked="" type="checkbox"/>	*Joined after roll call	

<u>Department Staff (joined via Webex or in person):</u>			Matt Toth
Mark Hammond	Krish Ramamurthy	John Krueger	Jennie Demjanick
Sarah Pinter	Nash Bhatt	Deborah Wehr	Viren Trivedi
Darek Jagelia	Sean Wenrich	Vincent Pascucci	Susan Foster
Soumya Arikeri	Panna Chibber	David Clark	Stephen Hepler
Nancy Herb	Susan Hoyle	Shelbi Meynard	Brian Morgan
Sean Robbins	Valerie Shaffer		

<u>Others Present (joined via Webex or in person):</u>		
Lee Ann Briggs, EMap Pitt	Lisa Beal, BHE GT&S	Mark Beston, ERM
Jeremy Hancher, EMap Widner	Glendon King, PA House of Representatives	Nick Leone, All 4 Inc
Jonathan Lutz, API	Joe McCay, Williams	Teresa McCurdy, TD Connections
Robert Routh, Clean Air Council	John Schmelzle, Power Engineers, Inc	Tom Weissinger, Talen Energy
Stephanie Wissan, API		

CALL TO ORDER & ADMINISTRATIVE ITEMS

Vice Chair John Tissue started the meeting at 9:15 am. He began by saying he is stepping in for Patrick O'Neill who was unable to make it and then took roll call. He asked for the Department staff in the room to introduce themselves.

Approval of Minutes

Rob Altenburg made the motion to approve the minutes, Josie Gaskey seconded the motion. Joe Duckett asked for clarification on the RACT II compliance date on page 4 of the December 9, 2021 meeting minutes. It was clarified by Viren Trivedi of the Department's Division of Permits that the U.S. Third Circuit Court of Appeals deadline for RACT II is August 2022. John Tissue asked for the vote on the minutes as amended. The motion passed with no AQTAC members objecting to the motion.

PRESENTATION

Mark Hammond, Director, Bureau of Air Quality (BAQ), gave a presentation on Compliance Certifications required to be signed by a corporate responsible official, including Title V Compliance Certification Form, Compliance Review Form, GP-5 & GP-5A. Mr. Hammond

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provided an in-depth discussion of conducting a “reasonable inquiry” as part of the compliance certification process.

Discussion

Members discussed experiences as consultants with presenting compliance certification to the responsible official, as well as best practices, and what they considered reasonable inquiry with audits. Early engagement with the responsible official by the auditing staff or consultants was suggested to ensure companies meet compliance certification requirements.

Joe Duckett asked if the Department has considered requiring two signatures, one from the consultant and one from the corporate responsible official. Mr. Hammond responded that air quality has not considered requiring two signatures on permit applications. Mr. Duckett requested clarification on what is a “reasonable inquiry” for the responsible official and if the Department could provide guidance on this. Mr. Hammond suggested that the best way to have a reasonable inquiry is to have a written internal procedure on what was done. John Shimshock offered historical guidance from an American Bar Association Conference on Title V Compliance Certification that he can share with the committee. ***Follow up: Mr. Shimshock emailed the document to the committee on February 10, 2022.***

Michael Nines suggested that the Department outreach on compliance certification forms to corporate responsible officials could also be sent to the wider consulting community, even on an annual basis. ***Follow up: Liaison forwarded the suggestion to the Compliance & Enforcement Division Chief on February 14, 2022.***

PRESENTATION

Sean Wenrich, BAQ Section Chief, New Source Review, gave an update on the Department’s rulemaking, #7-561: *Additional Reasonably Available Control Technology (RACT) Requirements for Major Sources of NOX and VOCs for the 2015 Ozone NAAQS*, also referred to as “RACT III,” and provided an overview of the regulatory history of RACT and public comments received. He indicated that all comments received are publicly available on the Department’s eComment website.

Discussion

The Committee asked about concerns raised by the United States Environmental Protection Agency’s (EPA), and if those facilities and sources subject to case-by-case determination requirements for RACT II have presumptive limits for RACT III or still require case-by-case determinations. The Committee also inquired about a more specific timeframe for presentation of the final-form regulation.

Mr. Wenrich responded that EPA concerns primarily revolved around the timing of the case-by-case analyses for RACT II and RACT III. Mr. Wenrich indicated that there are some categories that had presumptive limits proposed for RACT III, that had to undergo case-by-case for RACT II, and others that do not have new proposed presumptive limits. Therefore, some source categories may need a new case-by-case analysis. The Department conducts ongoing discussion with EPA regarding this concern. The Department intends to present the final-form rulemaking to AQTAC in the second quarter of 2022.

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A Committee member brought up the historical difficulties of RACT I and RACT II and indicated apprehension with RACT III, and emphasized source operators' need to receive clear guidance on determining appropriate circumstances for case-by-case analyses. The Department responded that it is trying to address these issues in conjunction with EPA prior to the rule being finalized.

Members questioned new information received in comments, and asked if they could expect to see the updated Technical Support Document (TSD) for the rulemaking, or response to comments when the final-form rulemaking is presented to AQTAC. Mr. Wenrich responded that only the regulatory language in the draft final Annex A would be presented to AQTAC. Viren Trivedi, Permits Division Chief, indicated that the TSD for the proposed rule is currently available online, and most of the information will remain unchanged; however, if any changes are made in the final-form rulemaking based on comments received, rulemaking documents would be updated to reflect any new information used. He also suggested that the AQTAC members look at public comments available through eComment if they had a particular interest in a source category.

A Committee member asked if there were any source categories where presumptive limits would change based on comments, and about thresholds for intermittent sources. Mr. Wenrich indicated that the Department was still deliberating the presumptive limits and that the proposed process for intermittent sources under RACT III would be similar to that of RACT II.

It was asked if there has been any impact in the Commonwealth's ozone nonattainment areas from the monitoring network. John Krueger, Assistant Bureau Director, BAQ, indicated that the Bristol monitor is still showing nonattainment, and since the Commonwealth is located in the Ozone Transport Region the Department must implement RACT irrespective of actual monitored values.

PRESENTATION

Mark Hammond, Director, Bureau of Air Quality, gave an overview of the Commonwealth's rulemaking process, particularly emphasizing AQTAC's role. He primarily explained the flowchart which was posted with the meeting materials, available on the AQTAC webpage.

Discussion

Several committee members commented on the importance of AQTAC's opportunity for feedback early in the rulemaking process. Specifically, before the proposed rule is written and after comments are received. Mr. Hammond stated that the Department aims to bring topics to the Committee in the early stages of the rulemaking process.

A member commented on EPA's participation in the Department's rulemaking process and potential delays as a result of incorporating their input. Mr. Hammond indicated that can happen, but the Department always intends to gather input from EPA as early as possible.

PRESENTATION

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Randy Border, Section Chief of Stationary Sources, read the report posted on Rulemakings and State Implementation Plan (SIP) Revisions.

Discussion

A Committee member asked for additional information on the most recent events with the Department's rulemaking #7-559: *CO2 Budget Trading Program*, which would allow the Commonwealth to participate in the Regional Greenhouse Gas Initiative (RGGI). Mr. Hammond explained that the Pennsylvania House and Senate passed disapproval resolutions on the rulemaking, but the Governor vetoed the disapproval. There was a hold placed on the Legislative Reference Bureau's (LRB) publication of the final regulation in the *Pennsylvania Bulletin*. Once the rule is published by the LRB, the Commonwealth can enter RGGI on a quarterly basis.

A Committee member asked about the status of the Department's proposed rulemaking to amend the Pennsylvania Clean Vehicle Program and if it would be presented to the EQB at its February 15, 2022 meeting. Mr. Hammond responded that the Department is currently evaluating feedback and information from other states received since the Department's presentation to AQTAC, and the rulemaking would not be presented at the February EQB meeting.

Public Comments

There were no requests from the public to give comment prior to the meeting.

OLD & NEW BUSINESS / OPEN DISCUSSION

Mr. Tissue opened the meeting for other AQTAC business/open discussion.

The Committee agreed to table a scheduled discussion of by-law changes until a proposed change is circulated by Patrick O'Neill.

A Committee member requested that AQTAC hears a presentation from the Department of Health or the University of Pittsburgh on their Epidemiological Study of health impacts in areas surrounding oil and gas production sites. Another member mentioned a paper from Harvard on emissions from fracking sites which could be presented.

An inquiry on upcoming topics was made. John Krueger mentioned EPA has a request for comment on proposed methane rules that the Department is evaluating, and that may be a topic of discussion in the future.

A member requested information on fly over data from the Department's ongoing methane study. Mr. Hammond gave a broad overview of the study, noting that data is still being evaluated but response from industry was largely cooperative. A Committee mentioned that landfills were a large source of methane and asked if they were evaluated. Mr. Hammond indicated that they were evaluated.

Follow up items

- Presentation on fly over data. ***Report is in process and will be presented when available.***

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- Department of Health and University of Pittsburgh presentation on the Oil and Gas health effects. *Updates about the progress of the study can be found at UPitt's webpage:*
<https://paenv.pitt.edu/2021/09/30/Quarter-3-2021.html>

MOTION TO ADJOURN

Made by Kevin Stewart. Seconded by Joseph Duckett.

With no further business before AQTAC, and no member opposing, John Tissue adjourned the meeting at 11:38am.

Minutes prepared by Deborah Wehr, Air Quality Program Specialist (AQPS). For additional information about AQTAC, please contact the AQTAC Liaison (RA-EPAQTAC@pa.gov) or by visiting the AQTAC Web page at:

<http://www.dep.pa.gov/Business/Air/BAQ/AdvisoryGroups/Air-Quality-Technical-Advisory-Committee/Pages/default.aspx>