

# **DEP Update on Rulemakings and State Implementation Plan Revisions**

**October 17, 2019, AQTAC Meeting**

## **Rulemakings**

### ***Final-form Rulemakings***

Title V Fees and Operating Permit Fees –The proposed rulemaking was published in the Pennsylvania Bulletin on April 13, 2019, at 49 Pa.B. 1777. The public comment period opened on April 13, 2019, and closed June 17, 2019. The Board received public comments from approximately 1400 commenters, including the House Environmental Resources and Energy Committee, the House of Representatives, industry, environmental groups, and IRRC. The comment and response document was discussed today.

PM2.5 Precursors – The proposed rulemaking was published in the Pennsylvania Bulletin on March 16, 2019, at 49 Pa.B. 1146. The public comment period opened March 16, 2019, and closed May 20, 2019. The Board received no adverse public comments. IRRC submitted a letter to the Board on June 19, 2019, stating that it has no objections, comments, or recommendations to offer on the rulemaking. If the Board delivers the final-form regulation without revisions, and the House and Senate Environmental Resources and Energy committees do not take any action, it will be deemed approved. The final-form rulemaking was discussed at the August 15, 2019 AQTAC meeting. The final-form rulemaking was presented to the EQB on August 20, 2019. The EQB adopted the final-form rulemaking as presented. The final-form rulemaking is undergoing final statutorily required review and then will be published in the Pennsylvania Bulletin.

Low-Sulfur Fuel – Amends § 123.22 to lower the sulfur content of No. 2 and lighter commercial fuel oil from 500 ppm to 15 ppm to be consistent with the MANE-VU “Ask.” Philadelphia Air Management Services, the Allegheny County Health Department (ACHD) and all surrounding states have already adopted the 15-ppm standard. The proposed rulemaking was approved by the EQB on April 16, 2019 and was published in the Pennsylvania Bulletin on July 6, 2019. The public comment period closed on September 9, 2019. The IRRC comment period closed on October 9, 2019. The proposed rulemaking was discussed today.

### ***Proposed Rulemakings***

RACT 3—DEP is preparing to propose requirements to address RACT requirements for the 2015 ozone NAAQS. The concepts for this proposal were presented earlier today by Sean Wenrich.

Control of Hydrofluorocarbons (HFCs) - DEP is preparing to propose requirements to address control of hydrofluorocarbons (HFCs) in new or retrofit equipment and new consumer products.

**State Implementation Plan (SIP) Revisions**

*Nonregulatory SIP Revisions*

2012 PM2.5 NAAQS SIP Revisions:

- On July 16, 2019 (84 FR 33886) the EPA proposed to approve these SIP revisions and to determine that the Delaware and Lebanon county area are in attainment.
- The Allegheny County Health Department developed an attainment demonstration for Allegheny County and has submitted it to PA DEP on September 12, 2019. PA DEP has submitted this attainment demonstration to EPA.