

# **DEP Update on Rulemakings and State Implementation Plan Revisions February 13, 2020 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 Environmental Quality Board (EQB) 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 draft final-form rulemaking Annex A was discussed at the December 12, 2019 AQTAC meeting. The Committee voted 10-3-0 (yes-no-abstain) to concur with the DEP’s recommendation to present the final-form rulemaking to the EQB. DEP is planning to present this final-form rulemaking to the EQB in the 2<sup>nd</sup> quarter of 2020.

PM<sub>2.5</sub> Precursors –The final-form rulemaking was discussed at the August 15, 2019 AQTAC meeting and presented to the EQB on August 20, 2019. The EQB adopted the final-form rulemaking as presented. The final-form rulemaking was published in the Pennsylvania Bulletin on December 21, 2019, at 49 Pa.B 7404. The final-form rulemaking will be submitted to the EPA as a revision to the Commonwealth’s State Implementation Plan (SIP).

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 and all surrounding states have already adopted the 15-ppm standard. The draft final-form rulemaking changed the compliance date from 60 days after the date of promulgation of the final-form rulemaking to September 1, 2020. Also, the sell-through date was changed to reflect the new compliance date. DEP presented the draft final-form rulemaking Annex A to AQTAC, SBCAC and the CAC PRO Committee on October 17, 23 and 28, respectively. DEP presented the final-form rulemaking to the EQB on January 21, 2020. The EQB voted unanimously to approve the rulemaking. DEP hopes the final regulation will be promulgated in mid-to-late Spring 2020, following formal review by the Office of General Counsel, IRRC, the House and Senate Environmental Resources and Energy Committees and the Attorney General.

### ***Proposed Rulemakings***

RACT III - On October 17, 2019, DEP presented initial RACT III rulemaking concepts to AQTAC and anticipates presenting proposed rulemaking language to the EQB in the coming months. The current draft proposed rulemaking Annex A was discussed today.

STAGE I & II – DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC subcommittee on April 11, April 17 and May 22, 2019, respectively. DEP anticipates bringing the proposed rulemaking before the EQB on March 17, 2020.

Regional Greenhouse Gas Initiative (RGGI) - On October 3, 2019, Governor Wolf [took executive action](#) instructing DEP to join RGGI, a market-based collaboration among nine Northeast and Mid-Atlantic states to reduce greenhouse gas emissions and combat climate change while generating economic growth. DEP discussed the preliminary draft Annex A with the committee today. DEP anticipates bringing the proposed rulemaking draft Annex A to AQTAC at the April 16, 2020 meeting or earlier.

Control of Existing Sources of Emissions from the Oil and Natural Gas Industry - DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC PRO subcommittee on April 11, April 17 and May 7, 2019, respectively. On June 18, 2019, the CAC concurred with moving the proposed rulemaking to the EQB. DEP presented the proposed rulemaking to the EQB on December 17, 2019. The EQB adopted the proposed rulemaking. DEP anticipates that the proposal will be published mid-to-late Spring 2020 for public comment. The proposed rulemaking would establish RACT requirements for VOCs from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. It would also reduce methane emissions as a co-benefit.

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

### ***Nonregulatory SIP Revisions***

#### **1997 8-hour Ozone NAAQS 2<sup>nd</sup> Maintenance Plans**

DEP is developing the 1997 8-hour Ozone NAAQS second Maintenance Plans for the following areas: Clearfield/Indiana, Altoona, Erie, Greene, Harrisburg-Lebanon-Carlisle, Johnstown, Scranton/Wilkes-Barre, State College, Tioga and Youngstown-Warren-Sharon. All 12 SIP revisions have gone through public comment and will be submitted to EPA in the first quarter of this year.

### ***Regulatory SIP Revisions***

**PM<sub>2.5</sub> Precursors** – The final-form rulemaking was published in the *Pennsylvania Bulletin* on December 21, 2019, at 49 Pa.B. 7404. DEP will submit the final-form rulemaking to the EPA as a revision to the Commonwealth's SIP. The final-form regulation implements recently promulgated federal requirements for the regulation of volatile organic compounds (VOC) and ammonia as precursor emissions to the formation of PM<sub>2.5</sub>. This final-form rulemaking also removes the requirement that applications for plan approvals and operating permits for portable sources be submitted by hand delivery or certified mail return receipt requested to allow for greater flexibility in submitting these applications to DEP.