

Pennsylvania Department of Environmental Protection
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Final Minutes 4/7/2022

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 type="checkbox"/>	Jayne Graham	<input checked="" type="checkbox"/>	Joseph Guzek	<input checked="" type="checkbox"/>	Christine Heath	<input checked="" type="checkbox"/>
Michelle Homan*	<input checked="" 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>			
Mark Hammond	Krish Ramamurthy	John Krueger	Matt Toth
Sarah Pinter	Jeannie Demjanak	Deborah Wehr	Viren Trivedi
Darek Jagelia	Sean Wenrich	James Beech	Delaney Williams
Chuck Zadakis	Panna Chibber	David Clark	Jesse Walker
Nancy Herb	Susan Hoyle	Shelbi Meynard	Randy Bordner
Hitesh Suri	Valerie Shaffer	Bryan Oshinski	Alyssa Hoy
Joseph Schlosser	Susan Foster	Bo Reiley	Kirit Dalal

<u>Others Present (joined via Webex or in person):</u>		
Brian Palmer ERG Inc.	Carrie Winterstersteen, EMap	Doug Jasitt, York Co. SWA
David Rockman, Eckert Seamans	Evan Franzese, PA House	Fred Osman, Osman Environmental Solutions
Gavin Biebuyck, Liberty Environmental	Jennifer Flannerym CEC Inc.	Jeremy Hancher, EMap Widner
John Schmelzle, POWER Engineers Inc.	Jordan Gallagher, LCSWMA	Joseph Walsh, Covanta
Josephine Martin, Mgt. for Sustainability	Kayla Ledergerber, TC Energy	Kimberly Bradford, Covanta
Teresa McCurdy, TD Connect	Michael Winek, Babst Calland	Nicole Wilson, EARTHRES Group Inc.
Steve Jenness, Covanta	Kyle Rosato	Dave Talley, EPA Region 3

CALL TO ORDER & ADMINISTRATIVE ITEMS

Vice Chair John Tissue started the meeting at 9:15 am. He began by saying the meeting is being recorded and then took roll call of the committee members. He asked for the Department staff in the room to introduce themselves.

Approval of Minutes

There were no comments or questions on the February 10, 2022, draft minutes. Joe Duckett made the motion to approve the minutes, Kevin Stewart seconded the motion. The motion passed with no AQTAC members objecting to the motion.

PRESENTATION

Sean Wenrich, BAQ Section Chief, Division of Permits, gave a presentation on the Department's final form rulemaking, *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." He provided an overview of the RACT III rulemaking, public comments received, and changes that were made to the rulemaking. He gave the timeline for the completion of the rulemaking and the compliance date and indicated the response to comments document would be available as part of the rulemaking package that is submitted to the Environmental Quality Board (EQB).

Discussion

There was a question about the Independent Regulatory Review Commission's (IRRC's) comments. It is not unusual for IRRC to comment, and the comments were as the Department expected.

Several members asked questions of clarification on the notification and application requirements. The notification requirement pertains to all sources, both those meeting case-by-case and presumptive requirements. It also asks for a list of exempt sources. Based on the current implementation deadline, both the notification and any application due will need to be submitted by December 31, 2022. There is no need for a RACT III notification fee or application fee, unless a permit modification or plan approval is required, then the normal fee for those would be in place. RACT II shows compliance with RACT III notification may or may not need a permit or plan approval application. It will be best for facilities to do their analysis early. Those sources that choose to take a permit limit to become a synthetic minor to not be subject to RACT will need to have their application in early so that the synthetic minor permit can be issued before January 1, 2023.

Viren Trivedi, Division Chief of Permitting, offered Department outreach to AQTAC members, their clients and other organizations who wish to have a presentation on the RACT III rule and its requirements. Contact Sean Wenrich or Viren Trivedi if interested in this outreach.

A committee member asked if any changes were made to the Annex to address the comments on slide 20 pertaining to coal-fired electric generating units (EGUs). Mr. Wenrich replied no, the DEP felt the presumptive NOx RACT limits were not appropriate for coal-fired EGUs and that the owners and operators of those units should submit case-by-case RACT analyses. John Shimshock requested that in the future when presenting comments, if DEP could make clearer which comments precipitated changes to the Annex.

There were a couple of members who asked questions pertaining to Continuous Emission Monitoring Systems (CEMS). Chuck Zadakis, Division Chief of Source Testing and Monitoring replied that for combustion units and process heaters with CEMS, the daily averaging period is heat input weighted. For municipal waste combustors, the hourly average will be calculated as outlined in the CEM Manual and there is no change from RACT II in this regard. More information will be available in the Comment/Response document. Facilities who must make changes to their CEMS to comply with RACT III are not required to have the CEMS Department certified by January 1, 2023. However, companies should be collecting the appropriate data

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beginning January 1, 2023, to show compliance with the new limit. Monitoring plans and certification questions can be directed to Chuck Zadakis to get a plan in place.

The NO_x and VOC screening thresholds and cost effectiveness dollars were discussed. The benchmarks are all adjusted to 2020 dollars.

A question concerning the limit for turbines under 129.112(k) was raised if it was a daily or 30-day rolling average. Mr. Wenrich replied that it is not intended that engines and turbines fall under 129.112(k) and that engines and turbines with CEMs are not subject to a daily average. Several comments were submitted and DEP will be amending the regulation to exclude engines and turbines. The clarification of definitions of “internal vs external” combustion sources was suggested.

There was a concern expressed that industrial boilers will not be able to meet the 0.10 lb NO_x/mmbtu heat input daily average presumptive limit, including start-up and shut-down and they will have to submit a case by case analysis.

Sean Wenrich gave a clarification that the RACT III applicability threshold in the southeastern counties are the same as they are for RACT II, 100 tpy of NO_x and 50 tpy of VOC.

Public Comments

There was one public comment given by Mr. Joe Walsh from Covanta. On the PowerPoint slide presentation, slide 11 states “The RACT III compliance date cannot be later than the regulatory RACT implementation date established, which for Pennsylvania is January 1, 2023.” However, that seems to contradict the allowance for sources to petition the Department for a revised RACT limit and/or compliance schedule that allows for implementation up to 3 years after petition approval. Can you clarify that?

Viren Trivedi indicated that January 1, 2023 is a statutory deadline. Those who need to install a control device may submit a petition for a compliance deadline up to 3 years. EPA is the agency that will approve it. A follow up question was asked and Mark Hammond, Air Quality Bureau Director interjected that there is not time at an AQTAC meeting for the DEP to address individual situational questions.

PRESENTATION

Justin Dula, Director of the Office of Environmental Justice, gave a presentation on Pennsylvania DEP’s Environmental Justice Policy Revision (2022). He noted that the public comment period for the Draft Environmental Justice Policy ([EJ Policy Revision \(pa.gov\)](#)) is open until May 11, 2022, and specified how to give public comments. He also listed dates of the public hearings, including an additional virtual hearing will be held on May 4th at 6 pm.

Discussion

A committee member asked if the EJ office can implement permit conditions that will address the environmental justice issues identified. Mr. Dula indicated that this policy is an overall DEP policy and that permit conditions will be addressed by staff in each program. He discussed that his office

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encourages EJ steps but cannot require them in certain instances, only encourage voluntary efforts.

Two committee members questioned the environmental stressors contributing to the graphic on slide 15. Mr. Dula indicated that the areas identified are from 2004 and only account for race and income demographics to define an EJ area, not environmental concerns. The EJ Office hopes to add environmental aspects in a separate but parallel process to the new policy. The timing of the 2nd document is anticipated to be public this summer. The 2004 policy is using the 2015 American Community Survey 5-year aggregate data from the US Census Bureau. A farther discussion included census tracts and how they can include both affluent and depressed communities. Using block groups is being considered for the future policy iterations to best capture populations.

One member asked about the finalization of the enforcement section of the policy. Mr. Dula indicated it is a complicated issue and this policy starts the work of identifying where enforcement can be enhanced around Environmental Justice. This would vary depending on the statutes and regulations around enforcement in each case. The policy does not create any statutory regulations. Mr. Hammond stated that in certain air penalty cases, there is statutory authority to return penalty money to the area impacted by violations.

A member asked for more information on Community Environmental Projects, specifically how are they funded. Mr. Dula stated that it is specific to each project, depending on the statutes and regulations in a given permit. The fines that would be paid by the violator may be able to be paid to the community directly, but this varies by project and program.

A member questioned the opt in permit in the draft EJ policy definition of “major source” of air pollution and which permits that would affect. Mr. Dula replied that any facility could opt in, whether they are listed in that section or not, but usually only if there is an active community group. Mark Hammond interjected that in the current policy it is only PSD and NSR air permits only are required to go through the EJ policy only, not renewals for major source permits.

PRESENTATION

Kirit Dalal, Air Resources Management Division Chief, read the report posted on Rulemakings and State Implementation Plan (SIP) Revisions. He added that DEP has a website dedicated to Stage II Decommissioning with information FAQ and contact information for anyone with questions. [Decommissioning Stage II Vapor Recovery Systems at Gasoline Dispensing Facilities \(pa.gov\)](https://www.pa.gov/government/working-together/air-quality/decommissioning-stage-ii-vapor-recovery-systems-at-gasoline-dispensing-facilities)

Discussion

Mark Hammond added information that the Title V Fees Rulemaking that was approved last year was held up and the implementation date went past January 1, 2022. At this point we are on track and facilities are submitting fees on time. Also, the annual emission reporting requirement for facilities was extended from March 1st to April 1st of this year due to computer issues.

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A member questioned the legal action involving the RGGI rulemaking and Mark Hammond indicated that he is not involved with the proceedings. The information available in the newspapers is the same information he has.

OLD & NEW BUSINESS / OPEN DISCUSSION

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

Kevin Stewart mentioned going forward with the by-law changes originally mentioned by Patrick O'Neill in October. He will circulate the language drafted by Patrick to members and asked DEP to put the item on the next meeting agenda. ***Follow up: Mr. Stewart sent the language via email dated 4/7/2022.***

The University of Pittsburgh presentation on the epidemiological study of health impacts in areas surrounding oil and gas production sites was mentioned. Joe Duckett responded that his understanding is that the DEP can't put it on the agenda until the DOH agrees because Pitt is a contractor in this circumstance. The committee asked DEP to keep trying.

A member requested information on fly over data from the Department's ongoing methane study. Mr. Hammond said there has been greater data analysis on number of sources and how long the emissions last. He reiterated information given at the last meeting and said the report is still in progress as is a Right to Know request.

John Tissue asked for any new business. He asked the Committee their thoughts on assisting the DEP with implementation paperwork streamlining. Some of the members stated their desire to participate and thought it is a good idea. Application materials, guidance documents, exemption list, etc. and the timing of such advice was mentioned. Mark Hammond stated that it would be helpful.

Follow up items

- Presentation on fly over data. ***Report is in process and will be presented when available.***
- 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 Rob Altenburg. Seconded by Kevin Stewart.

With no further business before AQTAC, and no member opposing, John Tissue adjourned the meeting at 11:36 am.

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>