

Pennsylvania Department of Environmental Protection
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING
DRAFT Minutes 10/12/2023

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

Rob Altenburg	<input checked="" type="checkbox"/>	Joseph Guzek	<input checked="" type="checkbox"/>	Marianne Payne	<input checked="" type="checkbox"/>	John Tissue	<input checked="" type="checkbox"/>
Scott Brown	<input type="checkbox"/>	Christine Heath	<input checked="" type="checkbox"/>	Richard Shaffer	<input checked="" type="checkbox"/>	Shaun Vozar	<input checked="" type="checkbox"/>
Kimberly Coy	<input checked="" type="checkbox"/>	Charles McPhedran	<input checked="" type="checkbox"/>	John Shimshock	<input type="checkbox"/>	John Walliser	<input checked="" type="checkbox"/>
Joseph Duckett	<input checked="" type="checkbox"/>	Mohamed Mellaouch	<input type="checkbox"/>	John Slade	<input checked="" type="checkbox"/>	Michael Winek	
Josephine Gaskey	<input checked="" type="checkbox"/>	Michael Nines	<input checked="" type="checkbox"/>	Kevin Stewart	<input checked="" type="checkbox"/>		

CALL TO ORDER & ADMINISTRATIVE ITEMS

Chair John Tissue convened the meeting at 9:15 am.

Approval of Minutes

John Tissue requested a motion to approve the 08/17/23 meeting minutes “As Presented.”

Joe Duckett made a motion to approve. Christie Heath seconded. John Walliser abstained. John Tissue, hearing no opposition, so moved to approve the minutes “As Presented.”

2024 AQTAC Meeting Schedule

John Tissue presented the proposed AQTAC 2024 meeting schedule:

- January 11, 2024
- ~~April 11, 2024~~ April 4, 2024 [Editor’s Note: Meeting was rescheduled due to a scheduling conflict with the Environmental Law Forum]
- July 11, 2024
- October 10, 2024

Joe Duckett asked DEP to provide at least 2 weeks’ notice in the event of a meeting cancellation. John Tissue conveyed Charlie McPhedran’s concern regarding flexibility of the quarterly meeting schedule should additional meetings of AQTAC be needed. Lena Smith replied the air quality program is currently working on implementing previously developed regulations. Lena clarified that the purpose of AQTAC is to advise DEP on upcoming air quality regulations. At this time, DEP does not have many anticipated air quality regulations in the pipeline. Lena noted that, if needed, DEP may schedule additional AQTAC meetings to supplement the proposed quarterly meeting schedule.

John Tissue clarified AQTAC members provide technical guidance to DEP on regulations, technical issues, and guidance/policy documents.

Christie Heath indicated she has a conflict with the July 11, 2024, meeting. Hearing no widespread conflict, John Tissue requested a motion to approve the proposed 2024 meeting schedule. Kevin Stewart made a motion to approve, Robert Altenburg seconded. John Tissue, hearing no opposition, so moved to approve the 2024 AQTAC meeting schedule as proposed by DEP.

PRESENTATION

Justin Dula, Director, DEP Office of Environmental Justice, discussed DEP's Interim-Final Environmental Justice (EJ) Policy and the PennEnviroScreen tool.

Discussion

Joe Duckett asked for clarification regarding the permitting public process for an EJ area. Justin responded that the EJ policy does not provide DEP with additional regulatory or statutory authority. For a facility requesting a permit in an EJ area, the DEP Office of Environmental Justice will review the existing public process, permit timeline, and work internally with the Communications and Legislative Affairs offices to identify any concerns from elected officials and the media regarding the project. This information is used to identify appropriate levels of enhanced public participation for each project. Justin mentioned that although the public process is currently available for trigger permits, the EJ policy provides opportunity to determine the appropriate level of enhanced public participation early in the process. The level of enhancement is community specific, inclusive of "opt-in permits" and smaller-scale projects, and adheres to existing statutory, regulatory and timeframe requirements.

Christie Health asked for distinction regarding the involvement of DEP, the community, and the regulated entity in determining the appropriate level of community outreach. Justin commented that he encourages regulated entities to participate early in the process. The EJ policy, however, cannot add additional requirements beyond those existing in statute and regulation.

Kevin Stewart asked Justin how the EJ tool handles smaller mobile and area sources, i.e., highways, fracking fields, landfills, etc. Justin responded that factors, such as diesel particulate matter and traffic density are considered in the PennEnviroScreen tool. Justin noted that 32 factors are considered in total. His office is working with partners such as PennDOT to obtain information. Justin noted many of the factors used to calculate an EJ score are outside of DEP's regulatory authority.

Kevin Stewart asked if there are resources available to assist communities with preparing technical responses for a proposed project. Justin mentioned several options: (1) State and federal grants, (2) Access to state- and national-level tools, (3) Academic referral to other partners, (4) Proactive community engagement. Justin also mentioned the importance of level-setting expectations within the community. Options to consider permit conditions that define mitigation strategies such as creating buffer zones, defining delivery times, or establishing limits on truck traffic may also be effective strategies to reduce or eliminate project impacts within the community. Justin referenced DEP's role as neutral arbitrator upon permit submission.

Kevin Stewart asked about actions DEP is taking to help reduce community EJ scores. Justin referenced land remediation specific to brownfields sites as an example. Because the EJ policy is not a statute or regulation, actions to reduce environmental burden or vulnerability shown in the PennEnviroScreen score are focused on funding opportunities, promoting proactive community engagements, and networking with community partners.

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John Slade commented on the need for certainty regarding “opt-in” permit determinations. He asked DEP to proactively work with the regulated community to minimize unforeseen “opt-in” permit determinations. John suggested DEP may want to consider scheduling additional pre-meetings with the permit applicant. Justin responded that “opt-in” permits have been in the EJ policy since 2004. He noted participation of the EJ coordinator as a resource in the pre-application meeting. Additionally, the EJ Office is a resource should a permit applicant have questions. Justin clarified the EJ policy does not provide additional authority beyond existing statutes and regulations. DEP does have authority to ask for additional public input throughout the permitting process in EJ and non-EJ areas. Justin mentioned “opt-in” permits as a safety measure and their use represents an exception.

John Slade asked if DEP was expecting an increase in the number of “opt-in” permits. Justin indicated that DEP has made improvements to its early-engagement process and does not expect a substantial increase in the number of “opt-in” permits.

Michael Nines requested confirmation regarding the extension of the public comment period for the EJ Policy. Justin replied that the public comment period was extended to November 30, 2023.

Michael Nines requested AQTAC members review the PennEnviroScreen methodology document, given its significance to trigger and “opt-in” permits.

Michael expressed concerns about the use of historic data to calculate environmental scores for certain census blocks. Michael provided two examples.

- Use of 2017-2019 air toxics inventory data does not correctly identify emission reductions associated with the closure of a facility shutdown in Philadelphia.
- Use of the flood-hazard index identifying a census block to be within a flood plain when only a small section of the block is located in the flood zone.

Section 3 of the policy indicates alternate methods may be proposed by the applicant to calculate environmental burden. Michael asked for examples of alternative methods DEP may consider as acceptable and whether use of better data, (when compared to data used by PennEnviroScreen), to calculate environmental burden represents an alternative method, as defined in Section 3 of the policy. Justin responded that it does. Justin recognizes there may be better micro-scale data available, but that the PennEnviroScreen tool was created by DEP to compare all parts of Pennsylvania and DEP can’t always make decisions based upon local data. Similar data sets, however, are needed to compare environmental burden scores statewide. Justin responded that PennEnviroScreen is a good tool to use that will likely save applicants time and effort in creating a unique tool. Periodic data updates are planned.

Michael asked if DEP is considering applying the “opt-in” process to other areas outside of authorizations or permits. Justin mentioned that he needs to clarify if authorizations include activities beyond permitting. He noted his office will work with programs on this. To promote community engagement as early as possible, EJ permitting activities will be organized as projects.

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Joe Duckett asked if the additional EJ steps will discourage clean-up of brownfield sites. Justin responded that DEP has the Act 2 land recycling program. EJ provides an additional tool to assist. The brownfield redevelopment community engagement component will benefit from added resources, such as access to the EJ coordinator. Justin noted additional benefit is realized when funding managed by DEP (state or federal grant) is authorized for brownfield redevelopment in EJ communities.

Kevin Stewart supports Justin's response regarding EJ support for brownfield redevelopment. Additionally, Kevin supports Michael Nine's concerns to use the best available data to calculate EJ burden scores. Developing alternative methodologies requires significant effort and work and therefore would require much consideration. However, use of alternate data that is more accurate represents a good practice. Justin commented that DEP is looking to update the data more frequently. Justin suggested AQTAC may submit a comment during the open comment period to identify alternative data sources to consider, recognizing state-wide applicability and long-term update and maintenance data requirements.

Kevin Stewart commented that local data sources are needed to understand the environmental burden in specific communities. Justin indicated that the applicant may propose alternate methods to calculate these environmental burdens. The methodology document presents a list of additional data needs that DEP will look at in future updates.

Christy Heath asked about the geographic focus for PennEnviroScreen. Justin responded the focus is on the top 20% of population most burdened. Currently the tool uses population threshold levels.

Christy Heath asked if the goal is to identify the top 20% most burdened areas in the state. Justin responded that was correct but clarified 20% by population. The previous tool used 2015 census data, with focus on two demographic factors, with a threshold of 30% or more non-white population and 20% or more below the poverty line.

Christy Heath commented on the EJ policy's focus on projects. She suggested that it may be beneficial to consider permits, i.e., renewals, that do not require EJ review. Justin noted this is considered during of the "opt-in" process. Through the trigger process, major modifications are considered. His office works with program staff to identify these opportunities.

Michael Nines asked when the 2020 census-tract data will sync with the environmental indicator data. Justin responded the geographic areas that define the census-block will be updated, but the data used in the PennEnviroScreen tool is using data more recent than the 2010 geographic boundaries. The geographic boundaries are based upon population information which is updated every 10 years. DEP is waiting for all data sources, i.e., CDC, to use the 2020 census-tract geometry, prior to updating the geographic census block boundaries from the 2010 block groups to the 2020 mapped block groups.

John Tissue closed the discussion.

PRESENTATION

Susan Hoyle, Air Quality Program Specialist, presented on EPA AirKnowledge.

Discussion

John Tissue commented he would review the website.

Joe Duckett asked if AirKnowledge replaces APTI Learn. Susan responded that this system replaces APTI Lean.

PRESENTATION

Mark Houser, Chief, Air Information Management, presented on Request to Review Emission Inventory Instructions.

Mark asked AQTAC members to participate in the annual review of the emission inventory instructions. Each May, DEP performs a comprehensive review of these instructions and revises the document, as necessary, to reflect any changes to reporting requirements and to incorporate relevant feedback provided by the regulated community. Specifically, DEP requests AQTAC members provide feedback to DEP on (1) the new emission reporting instructions to be released soon and (2) future revisions to the emission reporting instructions performed by DEP each May. DEP asks to receive feedback within one month upon receipt of the document by AQTAC.

Mark informed AQTAC members that EPA has extended the deadline to submit comments on EPA's proposed revisions to the Air Emissions Reporting Requirements (AERR) Rule until November 17, 2023.

Discussion

The following AQTAC members are currently interested in reviewing the emission reporting instructions and providing feedback to DEP:

- Christie Heath
- Joe Duckett
- Michael Nines
- John Slade
- Kim Coy

Michael Nines asked Mark to review any concerns that DEP has with EPA's proposed AERR. Mark commented that a significant concern is the proposed direct reporting of emissions to EPA. Mark mentioned that DEP often finds emission reporting errors that may be overlooked should the information be sent directly to EPA.

Michael Nines asked if DEP had any concerns regarding reporting of mobile sources. Mark referred Michael to the DEP comment letter submitted to Docket ID No. EPA-HQ-OAR-2004-0489 and offered to follow-up with Michael.

[PADEP Comment Letter, October 5, 2023](#)

PUBLIC COMMENT

No requests for public comment were received for this meeting.

PRESENTATION

Kirit Dalal, Division Chief, DEP, gave a presentation on Rulemakings/State Implementation Plan (SIP) Revisions.

Discussion

John Tissue asked Kirit to explain the impact of the “bump-up” SIP and the ultimate outcome. Kirit responded that the “bump-up” SIP was due to an ozone reclassification of the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Area from marginal to moderate. The SIP was due to EPA on January 1, 2023. EPA guidance, however, was not received until the first quarter, 2023. States are required to complete a SIP to demonstrate attainment of the 2015 ozone standard by August 3, 2024. The PA-NJ-MD-DE metropolitan area experienced several Canadian wildfire smoke events that impacted area ozone concentrations. Per the exceptional events rule, states can prepare and submit to EPA exceptional event demonstrations. If approved, this data can be removed from design value calculations. Many factors, however, must be considered, (exceptional events, 2024 ozone season) to understand the impacts of this reclassification.

John Slade asked about DEP’s actions associated with EPA’s OOOOb and OOOOc. Viren Trivedi, Division of Permits Chief, noted that DEP can start implementing OOOOb once finalized by EPA. OOOOc will require a SIP submittal within 24 months upon EPA issuance of the final emission guidelines. Viren noted DEP will discuss this with AQTAC members after EPA finalizes the guidelines.

Michael Nines asked Kirit to comment on DEP’s response to EPA’s objections to the contingency measures presented in the “bump-up” SIP. Kirit indicated EPA released the contingency measure guidance very late in March/April 2023. DEP is waiting for EPA’s completeness determination and for EPA to take final action on the SIP.

OLD & NEW BUSINESS / OPEN DISCUSSION

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

Old Business:

Joe Duckett, AQTAC Vice Chair, summarized the Unconventional Natural Gas Production and Human Health, Pitt GSPH Study for PA Department of Health.

Discussion

Kevin Stewart asked DEP about any policy changes that may occur in response to this study. Lena Smith responded that this was a DOH led study. Many of the policy changes are associated with ongoing DOH activities. DEP is discussing this study concurrently with the recommendations from the Grand Jury report on fracking.

Kristen Rodack, DOH Executive Deputy Secretary, indicated DOH is focused on outreach and educating public healthcare providers about the results of the study. DOH started monthly phone calls with healthcare providers, primarily in the southwest region, focused broadly on environmental hazards. The goal is to ensure healthcare providers have access to useful resources. Kristen also noted DOH is exploring opportunities to work with school districts, specifically on air quality topics related to natural gas

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production and exposure mitigation approaches to implement during poor air quality days. DOH received grant funding to work with school districts. There is also a school health program in the DOH, which provides an opportunity for DOH to coordinate across programs. DOH has also streamlined the process to submit an environmental complaint and to connect individuals with resources. Lastly, DOH is focused on continued monitoring of cancer risk.

Kevin Stewart asked Kristen if further research is planned to obtain a better understanding of environmental exposures. Kristen noted these types of studies require significant funding. At the state and federal level, funding is currently not available to perform this type of research project. Nationally, there is a lot of research on this topic. DOH is performing an update to a literature review. Additionally, DOH is communicating to state and federal partners about the need for this research. Kristen noted that DOH is receptive to conducting additional research studies, provided funding is available.

Nick Lazor indicated that DEP looks for continued opportunities to improve existing data sets. Understanding these asthma levels remains a DEP priority.

John Tissue asked for clarification regarding the various phases for oil & gas well development as addressed in the Pitt Study. Joe Duckett responded the four phases are: (1) Site preparation, (2) Drilling, (3) Fracking, (4) Production.

John Tissue asked which of the phases correspond to higher emissions. Viren Trivedi noted fracking activities are temporary and therefore exempt from requiring an air permit. Permanent activities, such as a compressor station, may require a GP-5 or GP-5A.

Joe Duckett provided the following comments:

- The Pitt Study reported a strong correlation between the production phase and health impacts, especially asthma attacks.
- To address the cost issue, why not focus on enhanced testing at select wells for which strong health impact correlations were reported.

Lena Smith agreed. She noted the need for causation studies but recognized this as a large challenge.

Joe Duckett noted DEP may want to consider narrowing the focus of these studies. Nick Lazor responded that DEP is exploring options.

Kristen Rodack noted that during the study, there was an attempt to match data, i.e., health records, proximity to wells, etc. to individuals. Environmental causation studies are very complex and challenging.

John Tissue asked how AQTAC members, and the public can keep apprised of the future activities related to the study. Joe Duckett suggested to first review the study. Kristen Rodack will provide DOH contact information for distribution to AQTAC members.

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Kevin Stewart commented that past exposures from a source varies over time. Kevin noted use of methods, if available, to compare site activity levels may be useful to incorporate in future studies.

New Business:

Joe Duckett provided the following:

- Has DEP commented on EPA's proposed revision to the PM_{2.5} NAAQS?
- AQTAC is to perform an additional review of the revised permit forms.
- What is the prioritization of DEP activities, specific to AQTAC?

Nick Lazor responded that the proposed PM_{2.5} revision is currently with OMB. DEP anticipates EPA will finalize the proposed PM_{2.5} NAAQS by the end of 2023. Viren Trivedi noted Sean Wenrich will work on the permit form revisions once work on RACT III is completed. Nick Lazor will discuss DEP prioritized activities at a future meeting.

MOTION TO ADJOURN

With no further business before AQTAC, John Tissue requested a motion to adjourn the meeting. Joseph Guzek made a motion to adjourn. Joseph Duckett seconded. John Tissue, hearing no opposition, so moved to adjourn the meeting. The meeting adjourned at 12:06 pm.

The next AQTAC meeting is December 14, 2023.

Minutes prepared by Joseph Martini 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>