

# **Draft Update on Rulemakings and State Implementation Plan (SIP) Revisions**

## **AQTAC Meeting – April 4, 2024**

### **Final Rulemakings**

There are no final air quality rulemakings currently in process.

### **Proposed Rulemakings**

#### **Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs for the 2015 Ozone NAAQS (RACT III) Corrective Amendments (25 Pa. Code Chapter 129)**

This proposed rulemaking is necessary to correct administrative errors in § 129.115(c) and (d) promulgated on November 12, 2022.

#### **Legal Authority for Adoption and Submittal to the EPA of State Plans for Implementation and Enforcement of Emission Guidelines for Existing Sources in 40 CFR Part 60 and Delegation of Federal Plans for Existing Sources in 40 CFR Part 62**

This proposed rulemaking will amend 25 Pa. Code Chapter 122 (relating to National standards of performance for new stationary sources) to provide the legal authority to implement and enforce emission reduction standards for an air pollutant from existing stationary sources in a designated source category.

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

Control of Existing Sources of VOC Emissions from the Oil and Natural Gas Industry  
BAQ submitted the SIP revision to EPA on December 12, 2022. EPA will evaluate the approvability of this SIP submission in accordance with the applicable technical and RACT requirements of the CAA.

On January 27, 2024, the Department published a notice suspending the enforcement of the initial annual report submission for Unconventional and Conventional Oil and Gas Sources until June 1, 2024, the date the second report is due. This suspension was in response to concerns expressed regarding the ability of some owners and operators to complete the first annual report on time based on understanding the technical aspects of the regulation and the reporting requirements.

On February 13, 2024, the Department posted model Annual Compliance Reporting Templates on the public Air Quality website along with specific instructions on how to electronically upload reports to DEP. These templates are not required to be used but will assist affected parties with compliance with the reporting requirements in the regulations. These templates and other

information can be found at [Annual Reporting for the VOC Rules for Oil & Natural Gas Sources \(pa.gov\)](https://www.pa.gov).

#### RACT III Major Sources of NO<sub>x</sub> and VOC for the 2015 Ozone NAAQS

A SIP revision was submitted to the EPA on January 13, 2023. Next steps include the EPA's forthcoming evaluation of the approvability of this SIP submission in accordance with the applicable technical and RACT requirements under the CAA.

#### Large Petroleum Dry Cleaners, Shipbuilding and Repair Coatings Operations, and SOCMR Reactors, Distillation, and Air Oxidation Processes

A SIP revision was submitted to the EPA on May 12, 2023. Next steps include the EPA's forthcoming evaluation of the approvability of this SIP submission in accordance with the applicable technical and RACT requirements under the CAA.

#### Reasonably Available Control Technology (RACT II)

On May 25, 2022, EPA issued a proposed notice for a Federal Implementation Plan (FIP) addressing RACT requirements for certain sources in Pennsylvania. This FIP proposed to set emission limits for NO<sub>x</sub> emitted from coal-fired electric generating units (EGUs) equipped with SCR controls to meet the RACT requirements for the 1997 and 2008 ozone NAAQS. The Department submitted comments in opposition to the FIP.

On May 26, 2022, DEP submitted a RACT II SIP revision for Homer City, Keystone, and Conemaugh EGUs. On June 6, 2022, DEP submitted a RACT II SIP revision for Montour EGU. All four facilities filed appeals to the Environmental Hearing Board regarding the terms and conditions of their RACT II permits.

On August 31, 2022, EPA published the final FIP setting emission limits for nitrogen oxides (NO<sub>x</sub>) at Conemaugh, Homer City, Keystone and Montour EGUs. In the final rule, EPA adjusted its rate calculation for facilities with more than one unit and made additional changes in response to technical information received. Conemaugh, Keystone, and Homer City filed petitions to review in the 3<sup>rd</sup> Circuit Court. On March 13, 2023, the 3<sup>rd</sup> Circuit denied the facilities' motions to stay the March 29, 2023 FIP compliance date. On July 1, 2023, the Homer City EGU ceased operations and soon after dismissed its petition for review. The 3<sup>rd</sup> Circuit Court held a hearing on the merits on November 6, 2023.

On January 16, 2024, DEP forwarded draft modified Title V Permits for Conemaugh, Keystone, and Homer City Stations to EPA for review. The draft permits incorporate the FIP limits. Notice of the public comment period for these permits was published in the *Pennsylvania Bulletin* on January 27, 2024.

On February 21, 2024, EPA published their proposed disapproval of RACT II SIP revisions for the Keystone, Conemaugh and Homer City electric generating facilities originally submitted by DEP on May 26, 2022. The public comment period ends on March 22, 2024.

## **Non-Regulatory SIP Revisions**

### **Regional Haze BART (Best Available Retrofit Technology) SIP**

DEP published the Regional Haze Best Available Retrofit Technology, State Implementation Plan in the *Pennsylvania Bulletin* on February 3, 2024. The comment period closed on March 9, 2024.

### **2010 Sulfur Dioxide (SO<sub>2</sub>) NAAQS Attainment Demonstration SIP Revisions**

On August 18, 2022, EPA published a Final Partial Approval/Partial Disapproval of the Department's SIP revision for Indiana and Armstrong Counties. The partial disapproval focused on the calculation of the SO<sub>2</sub> permit limit averaging periods. DEP must submit and EPA must approve a SIP revision within 18 months (by March 2024) or permit offset sanctions will apply. DEP submitted its SIP revision to EPA on October 12, 2023.

On February 22, 2023, the EPA Region III Administrator sent Governor Shapiro a "120-Day Letter" proposing to reclassify several townships in Westmoreland County and Cambria County from "attainment" to "nonattainment" for the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS. The area lies immediately outside of the current Indiana County SO<sub>2</sub> nonattainment area for which the BAQ is preparing a SIP revision. The Department reviewed the technical support document accompanying the 120-Day Letter and responded with comments on June 22, 2023.

On February 7, 2024, the EPA Region III Administrator signed a proposed rulemaking creating the new 2010 SO<sub>2</sub> NAAQS non-attainment areas, specifically Lower Yoder Township (Cambria County); St Clair Township, Seward Borough, and New Florence Borough (Westmoreland County). The official notice was published on February 12, 2024 announcing a 45-day comment period. If a new designation is finalized, DEP is required within 18 months to submit a SIP revision demonstrating how the 2010 SO<sub>2</sub> NAAQS will be attained in these partial counties.

### **Determinations of Attainment by the Attainment Date (DAAD) 2015 Ozone NAAQS**

On October 7, 2022, EPA published a final rule: Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). Of the 28 nonattainment areas nationwide, five areas attained the standard, 22 failed to attain it, and one area received an extension. Areas were required to attain the standards by August 3, 2021. The Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Area was reclassified to moderate nonattainment. The "bumped up" area includes Bucks, Chester, Delaware, Montgomery, and Philadelphia counties and is now required to attain the standards by August 3, 2024.

The Department worked with EPA, NJ, MD and DE on the needed modeling and published the proposed SIP revision in the *Pennsylvania Bulletin* on August 5, 2023. A public hearing was held on September 6, and the comment period closed on September 7, 2023. The Department submitted the SIP revision on September 28, 2023, and EPA issued a completeness letter on October 5, 2023.

The Department is now evaluating the impact of wildfire smoke on the 2023 ozone season (March - October) for the PA-NJ-MD-DE Non-Attainment Area. Pennsylvania and the other

states within the non-attainment area anticipate submitting Exceptional Event Analyses concerning the impacted data to EPA during the first half of 2024.

Inspections/Maintenance (I/M) Certification SIP

DEP submitted the SIP revision to EPA on September 29, 2023.