

Final Rulemaking Executive Summary

Measurement and Reporting of Condensable Particulate Matter Emissions

Amendments to 25 Pa. Code Chapters 121 and 139

Background and Purpose of the Final Rulemaking

The Department of Environmental Protection (Department) recommends final-form amendments to 25 Pa. Code Chapters 121 and 139 (relating to general provisions; and sampling and testing) for consideration by the Environmental Quality Board (Board). The amendments improve regional consistency for permitting and enforcement and clarify certain requirements for owners and operators of affected sources regarding compliance demonstrations for particulate matter (PM) emissions. Affected source types include power plants, industrial boilers, and other industrial burning or combustion-related activities.

The final-form rulemaking updates and clarifies certain testing and reporting requirements in Chapter 139 regarding emissions of filterable and condensable PM to which certain source owners and operators are already subject. Emissions of condensable PM contribute to the formation of fine particulate, or PM_{2.5}, in the atmosphere.

The final-form regulation will be submitted to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP) upon final-form publication in the *Pennsylvania Bulletin*.

Summary of Final Rulemaking

The final-form rulemaking adds definitions for the terms “condensable particulate matter” and “filterable particulate matter” to § 121.1 (relating to definitions).

Existing § 139.12 (relating to emissions of particulate matter) is designated as subsection (a) to clarify that the owner and operator of a stationary source subject to the PM emission standards under §§ 123.11—123.13 (relating to combustion units; incinerators; and processes) is required to test only for filterable PM and not for condensable PM.

Final-form § 139.12(b) clarifies that the owner or operator of a stationary source subject to PM-10 and PM_{2.5} emission limitations shall continue to demonstrate compliance with those limitations by including both filterable and condensable PM. This subsection also clarifies that the owner and operator of a stationary source subject to applicability determinations under Chapter 127, Subchapters D and E (relating to prevention of significant deterioration of air quality; and new source review) shall demonstrate compliance for both filterable and condensable PM-10 and PM_{2.5} emissions.

Final-form § 139.12(c) clarifies that compliance with a PM, PM-10 or PM_{2.5} emission limitation issued by the Department prior to January 1, 2011, is not based on condensable PM unless required by the terms and conditions of a plan approval, operating permit or the SIP.

Final-form § 139.12(d) clarifies that a compliance demonstration required under subsection (b) or (c) must include the measurement and reporting of filterable and condensable PM and that the

test methods and procedures must be equivalent to those specified in § 139.4(5) (relating to references). Subsection (d) of the final-form regulation also clarifies that the Department's prior written approval is required if an owner or operator of a facility wishes to use an alternative test method or procedure in place of a Pennsylvania-specific test method or procedure specified in the *Source Testing Manual*.

Final-form § 139.12(e) adds a cross reference to § 139.5 (relating to revisions to the source testing manual and the continuous monitoring manual).

The final-form rulemaking amends § 139.53 (relating to filing monitoring reports) to specify that the person responsible for the operation of the source shall submit the periodic emissions monitoring test report to the applicable Regional Air Program Manager instead of the Regional Air Pollution Control Engineer, with a copy of the report to the Chief of the Division of Source Testing and Monitoring. This clarification makes the filing of monitoring reports more efficient and timely.

Affected Parties

Under final-form § 139.12(c), the owner or operator of a stationary source subject to a PM, PM-10 or PM_{2.5} emission limitation issued by the Department prior to January 1, 2011, does not include condensable PM in the compliance demonstration unless required by the terms of a plan approval, operating permit or the SIP.

The final-form rulemaking does not impose new or additional requirements or compliance costs on the owners and operators of affected sources. The final-form rulemaking merely clarifies the applicability of certain requirements to which affected owners and operators are already subject.

Advisory Groups

The Air Quality Technical Advisory Committee (AQTAC) reviewed the final-form amendments on February 14, 2013. AQTAC voted 11-4-2 to concur with the Department's recommendation to forward the final-form rulemaking to the Board for consideration. The final-form rulemaking was discussed with the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee (Committee) on February 6, 2013. On the recommendation of the Committee, the CAC voted on February 19, 2013, to concur with the Department's recommendation to forward the final-form rulemaking to the Board for consideration.

Public Comments and Environmental Quality Board

The Board approved the proposed rulemaking at its April 17, 2012, meeting. The proposed rulemaking was published in the *Pennsylvania Bulletin* on July 7, 2012, with a 66-day public comment period (42 *Pa.B.* 4363). Three public hearings were held in Pittsburgh, Norristown, and Harrisburg on August 7, 9, and 10, 2012, respectively. The public comment period closed on September 10, 2012.

There was no direct opposition to the proposed rulemaking but some comments requesting clarification were received. The comments are addressed in the Comment/Response document prepared for the final-form rulemaking. There are no unresolved issues.