



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Air Quality

**Final Rulemaking:
25 *Pa. Code* Chapters 121 and 139
Measurement and Reporting of
Condensable Particulate Matter
Emissions**

**Environmental Quality Board Meeting
November 19, 2013**

Background of Final Rulemaking

- The final rulemaking updates and clarifies regulatory requirements for particulate matter testing.
- Chapter 139 needs to be amended to be consistent with the particulate matter test methods promulgated by the U.S. Environmental Protection Agency (EPA) in December 2010.
- The clarification will help the regulated community. It will remove the confusion caused by the differences in federal and state regulatory provisions.

Background on the Final Rulemaking

- Federal testing requirements apply and are currently in effect for owners and operators subject to the final amendments.
- The Federal rule applies to sources nationwide.
- The final rulemaking does not impose new or additional requirements or compliance costs on the owners and operators of affected sources.

Affected Units

These amendments will help owners and operators of the following types of sources and activities appropriately demonstrate compliance with Federal and state testing requirements for particulate matter:

- Power plants
- Industrial boilers
- Other industrial burning or combustion-related activities

Significant Provisions of Rulemaking

This final-form rulemaking:

- Addresses federal changes in the definitions for condensable and filterable particulate matter.
- Clarifies that both forms of particulate matter (PM_{2.5} and PM-10) must be measured using EPA test methods.
- Clarifies that the particulate matter emission limits in permits issued by the Department prior to January 1, 2011, do not include condensable PM unless required by:
 - A plan approval;
 - Operating permit; or
 - The State Implementation Plan (SIP).

Significant Provisions of Rulemaking

- The final-form Chapter 139 amendments clarify the process for demonstrating compliance with the particulate matter emission requirements.
- Filterable and condensable PM-10 and PM_{2.5} emissions must be considered when demonstrating compliance with standards established under the New Source Review or Prevention of Significant Deterioration Programs.

EQB Public Comment Schedule

- The EQB published notice of the proposed rulemaking in the Pennsylvania Bulletin on July 7, 2012.
- Three public hearings were held by the Board as follow:
 - August 7, 2012 Pittsburgh
 - August 9, 2012 Norristown
 - August 10. 2012 Harrisburg
- During the 66-day public comment period, written comments were received from five commentators including the Independent Regulatory Review Commission.

Comment Summary

- The DEP received comments requesting clarification of the proposed rulemaking.
- There was no direct opposition to the proposed rulemaking.
- The final rulemaking was revised, as appropriate, to address comments received during the public participation process.

Advisory Committee Action

- On February 14, 2013, the Air Quality Technical Advisory Committee (AQTAC) concurred with the Department's recommendation to forward the final rulemaking to the EQB.
- On February 19, 2013, the Citizens Advisory Council concurred with the Department's recommendation to forward the final amendments to the Board for consideration.
- The proposed rulemaking was discussed with the Small Business Compliance Advisory Committee on July 25, 2012.

Requested Action

- The final-form regulation, if adopted, will be submitted to EPA for approval as a revision to the State Implementation Plan.
- DEP recommends that the Board approve the final-form rulemaking to address emissions of filterable and condensable particulate matter.



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Thank you.

Vincent Brisini, Deputy Secretary
Waste, Air, Radiation and Remediation

Joyce Epps, Director
Bureau of Air Quality

Robert Reiley, Assistant Counsel
Bureau of Regulatory Counsel