



Proposed Rulemaking: Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS

(25 Pa. Code Chapters 121 and 129)

▶ RACT III Regulatory Package

- Re-evaluation of Reasonably Available Control Technology (RACT) is a Federal requirement to be fulfilled each time an ozone National Ambient Air Quality Standard (NAAQS) is promulgated for nonattainment areas.
- The presumptive RACT requirements in the proposed rulemaking are the same or more stringent than those found in the RACT I and RACT II rules.

RACT III-CTG

Purpose

- Control VOC emissions from certain existing sources
- Assist in certifying Control Techniques Guidelines (CTG) as Reasonably Available Control Technology (RACT)

CTGs addressed by this rulemaking include:

- Large Petroleum Drycleaners
- Shipbuilding and Ship Repair Coatings
- Air Oxidation Processes for Synthetic Organic Chemical Manufacturing Industry (SOCMI)
- Reactor & Distillation Processes for SOCMI

▶ Timing-RACT III Regulatory Package

- The proposed rulemaking was published in the *Pennsylvania Bulletin* on August 7, 2021.
- Public hearings were held on September 7, 8, and 9, 2021. No testimony was given.
- The public comment period ends on October 12, 2021.

Timing-RACT III Regulatory Package

- Final promulgation is expected in the second quarter of 2022.
- The compliance date of January 1, 2023 is fixed by the EPA implementation rule for the 2015 Ozone NAAQS.

Timing-RACT III CTG

- The proposed rulemaking was approved for publication in the *Pennsylvania Bulletin* by the Environmental Hearing Board on September 21, 2021.
- Three public hearings will be held.
- The public comment period will be 60 days commencing upon publication.

RACT III/CTG Schedule

- Public Comment Period – 60 days
- 3 public hearings/information meetings – TBD
- Final Rule to EQB – 4th quarter 2022
- State Implementation Plan Submittal – 4th quarter 2022

▶ RACT II – Sierra Club v. U.S. EPA

On August 27, 2020, the U.S. Third Circuit Court of Appeals vacated and remanded three aspects of EPA's May 19, 2019 approval of DEP's RACT II Rule:

1. EGU emission limit
2. SCR operating temperature
3. Temperature reporting requirement

EPA must either approve a revised, compliant SIP within two years or formulate a new federal implementation plan

Response to Sierra Club Decision

- Presumptive or Case-by-Case
- Case-by-Case selected.
 - Difficult to craft a presumptive RACT determination that would satisfy the Court.
 - Case-by-Case more efficient
 - Benefits companies by having them evaluate their equipment, as opposed to a general evaluation of the source category

Timing

- One proposed permit in public comment period
- Public comment period for three proposed permits will open 4th Quarter-2021
- ACHD expected to begin their public comment period shortly.
- All permits must be issued, a SIP prepared and submitted to EPA, and approved by EPA by August 27, 2022
- EPA formally proposed to disapprove the 3 “Sierra Club” provisions in the 2019 SIP.
 - An expected action and one necessary to give EPA the authority to propose a FIP if we do not meet our deadline



Amendments to the Pennsylvania Clean Vehicles Program Zero Emission Vehicle Program

Tom Wolf, Governor

Patrick McDonnell, Secretary

Rulemaking Outcomes

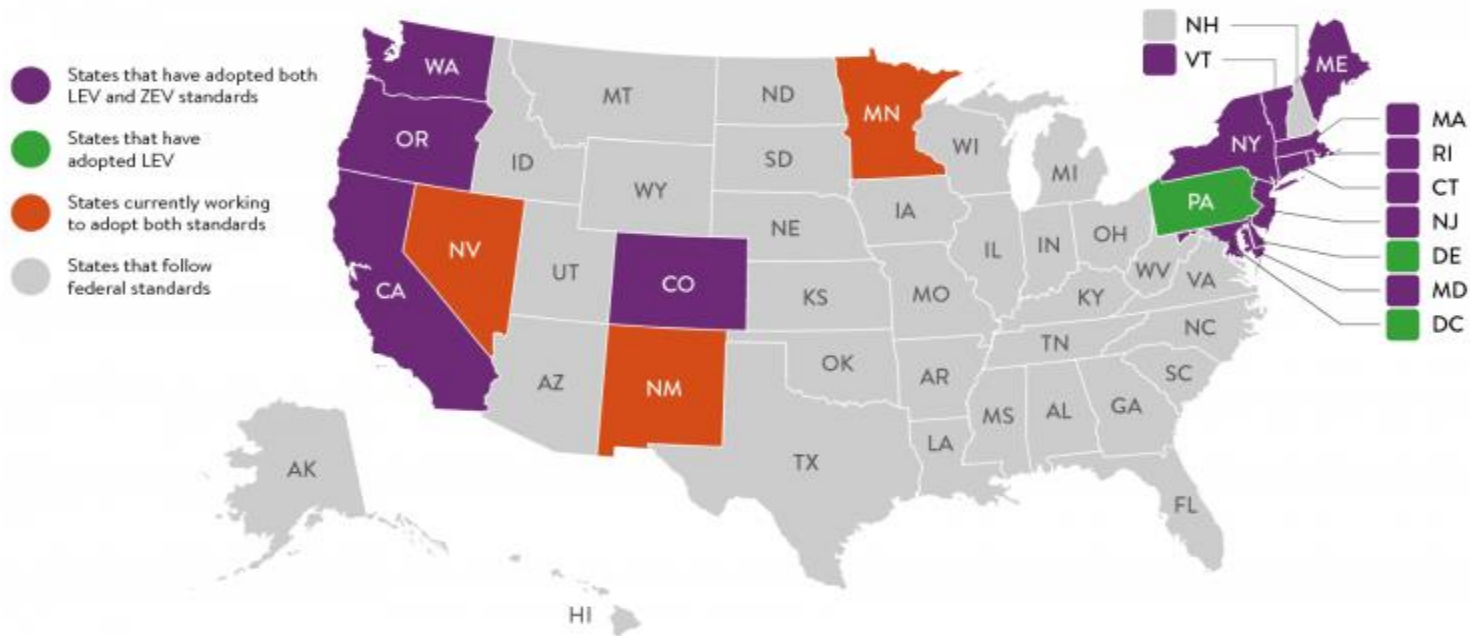
- Reduce emissions of air pollution in Pennsylvania from the Pennsylvania light-duty vehicle fleet
- Help ensure Pennsylvania automobile dealers and consumers can get ZEVs (Zero Emission Vehicles)
- Help keep Pennsylvania competitive in regional electric vehicle (EV) sales market

Rulemaking Outcomes

- Reduce emissions of air pollution in Pennsylvania from the Pennsylvania light-duty vehicle fleet
- Help ensure Pennsylvania automobile dealers and consumers can get ZEVs (Zero Emission Vehicles)
- Help keep Pennsylvania competitive in regional electric vehicle (EV) sales market

LEV and ZEV States

Clean car states

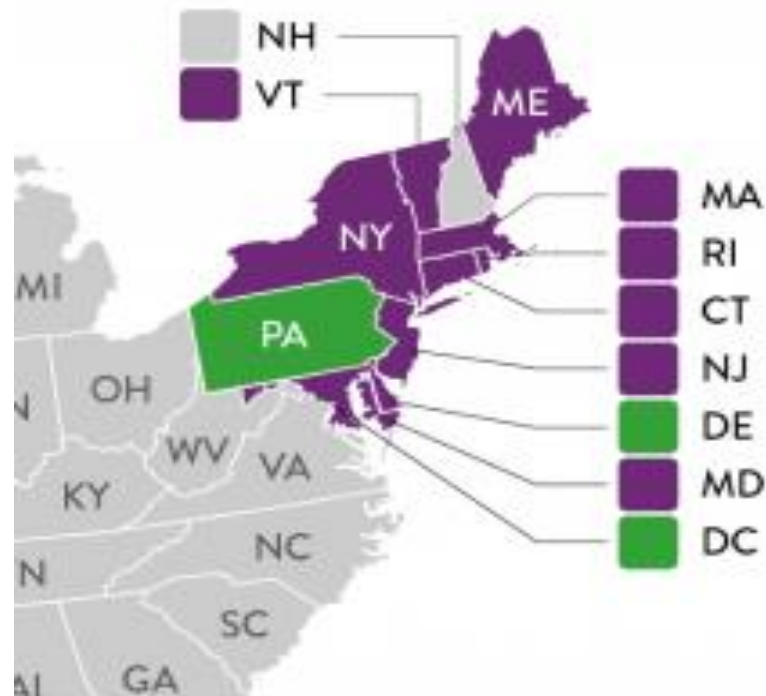


The Virginia Legislature voted in February 2021 for VA to also implement the CARB LEV/ZEV Program.

Source: www.pca.state.mn.us/air/about-clean-cars-minnesota (accessed 3/9/21)

LEV and ZEV States

- States that have adopted both LEV and ZEV standards
- States that have adopted LEV
- States currently working to adopt both standards
- States that follow federal standards



The Virginia Legislature voted in February 2021 for VA to also implement the CARB LEV/ZEV Program.

Source: www.pca.state.mn.us/air/about-clean-cars-minnesota (accessed 3/9/21)

Background on PCV Program

- The Pennsylvania Clean Vehicles Program was last revised December 2006 to implement the CARB LEV program in PA.
 - Applied starting MY 2008 to new passenger cars and light-duty trucks *“sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired, received, titled or registered in this Commonwealth.”*
- The CARB ZEV percentage program was not adopted by PA.

* 36 Pa.B. 7424, December 9, 2006

Proposed Rulemaking Schedule

- Consultation with AQTAC – 4th Quarter 2021
- Consultation with Small Business Compliance Advisory Committee—4th Quarter 2021
- Proposed Rule to EQB – 4th quarter 2021



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Air Quality

Questions?

Mark Hammond, Director

Bureau of Air Quality

Phone: 717.787.3952

mahammond@pa.gov