

CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH AIR POLLUTION CONTROL BOARD

The meeting of the Air Pollution Control Board was held Tuesday, October 18, 2011,
at the Municipal Services Building, 1401 John F. Kennedy Boulevard, 16th Floor, Room Y.

Eddie R. Battle, Chairman, presided:

ATTENDING:

MEMBERS: Eddie Battle, Chair of the APCB
Joseph O. Minott, Member, APCB
Tom Edwards, Member, APCB
Dr. William Miller, Member, APCB
Dr. Arthur L Frank, Member, APCB
Eric Thumma, Member, APCB
Dr. Shannon P. Marquez, Member, APCB

STAFF: Thomas Huynh, Director, Air Management Services (AMS)
Henry Kim, Chief of Program Services, AMS
Edward Braun, Regulatory Services Program Manager, AMS
Roger Fey, Chief of Facility Compliance & Enforcement, AMS
Edward Wiener, Chief of Source Registration, AMS
Alison Riley, Grants & Voluntary Programs Coordinator, AMS
Patrick O'Neill, Counsel for the City of Philadelphia
Dennis Yuen, Counsel for the City of Philadelphia

GUESTS: Tom Weir

1. WELCOME

(Whereupon, the proceedings commenced at 2:05 p.m.)

MR. BATTLE: Welcome. As usual we will have the members of the Board introduce themselves.

Bill Miller, Temple University, Member of the Board

Arthur Frank, Drexel University, Member of the Board

Ed Battle, Chair

Joe Minott, Member of the Board

Eric Thumma, Member of the Board

DR. MILLER: Do we have quorum?

MR. BATTLE: Yes, we have five members. We do have quorum.

2. ACTION ON MINUTES

MR. BATTLE: We have two sets of minutes to approve. The first is February 24, 2011. You have had an opportunity to review. Are there any corrections or additions to those minutes? If not, may I have a motion to approve?

DR. FRANK: Motion to approve.

MR. BATTLE: The June 8, 2011 minutes. Any corrections or additions? Do I have a motion to approve?

MR. BATTLE: Motion passed.

MR. MINOTT: Just one correction, for Patrick and Dennis, where it says Council the spelling should be changed to Counsel.

MR. BATTLE: Any additions? Thank you.

3. PROGRAM UPDATE

MR. BATTLE: Number three. Program Updates. Tom?

MR. HUYNH: (Provided an update). (See attached).

MR. HUYNH: That is the end of my report. Thank you for your attention. I'd be happy to answer any questions you might have.

MR. BATTLE: Thank you, Tom. Any questions?

MR. MINOTT: Question. The City Council changes of the Asbestos Code 6-600 is an amendment to the AMS code?

MR. HUYNH: No, the Philadelphia Asbestos Code.

MR. MINOTT: And it just says that you can't be a contractor and an inspector?

MR. HUYNH: That you cannot hold an Asbestos Contractor License and be a licensed Inspector. Right now you can hold both but cannot be both on the same project. The proposal will separate them forever.

MR. O'NEILL: To clarify, the current code already does not allow an asbestos contractor on a job to also be the asbestos inspector or asbestos investigator at the same

site. That is already in the code. But there are some contractors that employ an inspector (perhaps has someone on staff) who is certified as such that on job one they can be the asbestos contractor doing the whole abatement removal job, and some third party unrelated company comes in and performs the job of asbestos inspector. But then on the next job they could conceivably reverse jobs. It is not like this happens very often. It's only like between six and seven of these people where a contractor has somebody on their staff that has that certification. And, for some of them they only have them on staff so they have someone who is maximally educated and certified. They are not in fact doing inspector here, contractor there, and back and forth. They are actually a contractor with their own expert on staff.

MR. EDWARDS: I have a question, another question about that. So, the inspector is certified. Are they certified by the State?

MR. O'NEILL: No, by the City.

MR. EDWARDS: By the City. So the certification process doesn't enter into the licensing or certification and doesn't in fact bring along any ethical or professional taint on the job. So I'm hearing an ethical violation and you have to write it into the law, is that right?

MR. O'NEILL: I don't think so, because it is already the law that on any given job the contractor and the inspector may not be affiliated with the same company. That is already the law. And, quite frankly, that is why this looks a little odd to us and we need to get more information from the council person's office.

MR. EDWARDS: Okay.

MR. O'NEILL: On the Stage II Vapor recovery systems. So there will be an "ON BOARD VAPOR RECOVERY SYSTEM" in all new cars at a certain point?

MR. HUYNH: Yes. Right now it is about 75%, I think.

MR. O'NEILL: How do you know that your on-board system is working? And doesn't that carbon get effectively full at some point such that it is not effective?

MR. HUYNH: It is supposed to be that when you fill gasoline in the tank, the vapor is supposed to be pushed out of the tank into the carbon absorber and it should be sucked back into the tank when the car is running. But it will not work if the carbon is flooded. I am not sure when it is flooding myself.

MR. THUMMA: The existing system back when Stage II started. First of all the Stage II was a battleground between the gasoline marketers and the auto industry, and the auto industry won. There has always been a canister there because your fuel system is closed in terms of evaporation. But there is a canister in your car since the '70's. It sucks in the

hydrocarbons with the pressure in the gas system and the gas tank fueling at the same time. This would just be a bigger pan.

MR. O'NEILL: Does it capture it and just let it drop back into the tank?

MR. THUMMA: Along with the regular vapor base and the gasoline liquid.

MR. O'NEILL: I was wondering if it could stay effective for 15 years.

MR. THUMMA: It is not a consumable, it's more the car just pulls it in and lets it out depending on pressure and temperature.

MR. O'NEILL: Instead of a filter it's a condenser.

MR. THUMMA: Think of it as a condenser or an absorber of its own particles.

MR. MINOTT: The question I have is, Stage II is part of most states' SIPs, and they take credit for it, so would you have to do a SIP of each geographic area and each SIP would have to do a revision?

MR. HUYNH: I guess right now a lot of states want to talk to EPA about it. Nobody wants to do anything about it on that part. Right now, EPA pushed it, but most states do not want to touch anything.

MR. MINOTT: That is interesting.

MR. THUMMA: There is one other issue. When they first start doing Stage I and Stage II, that requires screening, they discovered in the whole process they were getting three percent of their product back. So, one way you might look at this is that you are keeping your own vapor, so you're not giving it back to the refinery. Once you bought it you've got it.

MR. O'NEILL: And these cars will be everywhere, while the Stage II will only be in non-attainment.

MR. MINOTT: And a lot of the Stage II equipment seems pretty ratty.

MR. THUMMA: Yeah, but it's there.

MR. O'NEILL: Just to clarify on CSAPR, Pennsylvania will not definitely enter litigation on the side of EPA which would make it the first time in over 16 years (back to the Thornburg administration). They are considering coming in and filing an amicus brief supporting the petitioners particularly on the issue of releasing a Federal Implementation Plan which some at Pennsylvania believe is overreaching and not authorized by the Clean Air Act.

MR. THUMMA: So the position of the State of Pennsylvania historically has been that our compliance is affected by transport of other states?

MR. O'NEILL: That is correct.

MR. THUMMA: So, you're saying that it's not the view of the Commonwealth?

MR. O'NEILL: They have said to us that they do want the rule to go forward but more of an eventual go forward in the short term. They think the SIP was not justified and at the very least they want the rule. The Governor has signed a letter, signed by six or seven other Governors, some of whom their states have nothing to do with this. They have written a letter to Obama stating that this rule, the Mercury Rule and maybe the Boiler MACT should be delayed for at least a year. Pennsylvania has also raised the issue as to whether or not this comparatively quick implementation, which has been delayed for six years or so, whether it would pose some electric grid liability issues. To go a little closer to your point, in 2010 the State Air Director testified at a public hearing that they support the rule, but that it was not stringent enough on the budget allowance for NO_x and SO_x. And they submitted written testimony from then Secretary of the EPA, John Hanger, that the budget was not stringent enough and that it was needed and would not hurt the grid for liability. So now there is a decision.

MR. THUMMA: So presumably they are getting an allowance. So is their issue over how those allowances are allocated? That the Federal Government is too scripted on how those allowances are allocated?

MR. HUYNH: The State has provided the allocated allowances within the State. The Federal may have to be involved if you trade interstate. That is what they have the problem with, before CSAPR, now trading may be more limited.

MR. THUMMA: Okay.

MR. O'NEILL: The biggest issue in Pennsylvania is that a city facility failed to get permits it applied for in 1998. They did upgrade one unit of fuel devices but never bothered to pursue the others even if they were within their care. So, they are not out there with their pants down.

MR. THUMMA: Doesn't all that power go to New York anyway?

MR. O'NEILL: Well, the grid issue was raised both with the FIP issue and the liability issue. We spent some considerable time researching whether those were valid concerns. There is an argument to be made there on the FIP. I believe that it is absolutely legal, but you can make a tolerable claim in front of a judge and let the judge decide.

MR. THUMMA: But the fundamental issue is that the interstate trade allows this to some extent.

MR. O'NEILL: The Rule does.

MR. HUYNH: The United States Appeals Board says that you have to limit interstate trading.

MR. MINOTT: But that is not the FIP issue. The FIP issue is that it takes away the state issue to come up with its own plan.

MR. HUYNH: That's right.

MR. MINOTT: That's the part that the Grids are having a problem with.

MR. O'NEILL: We also researched the grid liability issue. PGAM which manages the grid in this part of the country says that there is no significant risk to the grid. The EPA side of this litigation is EXELON and PECO EXELON and one other.

MR. THUMMA: All the companies that don't own coal plants.

MR. O'NEILL: Well, interesting enough they do own some coal plants but they have much smaller fees and they have already upgraded theirs.

MR. HUYNH: One has been upgraded. The other has not.

MR. O'NEILL: I think an interesting argument to whether even if they had 100% nuclear would they in fact support a rule even in the darkest view of corporations that would risk the electrical grid of one of the most populous sections of the country? I personally am not that skeptical of corporations.

MR. MINOTT: Just for the record, the Clean Air Council had intervened in the Homer City attempt at stay. I just want you to know that. And we have written the City urging them to participate and to intervene.

MR. O'NEILL: And it is our plan to intervene. Connecticut is supposed to be filing to intervene this week, along with a number of New England States. New York is supposed to be intervening, and I know that New Jersey is thinking about it. Baltimore and Chicago are both thinking about it. All are coming in on the side of EPA.

MR. MINOTT: Ohio just filed their gain slips.

MR. O'NEILL: Against EPA, right?

MR. MINOTT: Against EPA in the 6th Circuit.

MR. THUMMA: They have ADP on their side. They have the utilities.

MR. O'NEILL: And shockingly, that bastion of liberality Texas has come in against EPA.

MR. HUYNH: Well, on October 6, the EPA gave Texas 35% more allowances and other states about 3% allowances. And, also, they tried to mitigate the issue of time they put in that trading interstate from now until 2014, that is, allowable after 2014 that will be out.

MR. MINOTT: One question and one comment. Tom, under Regulatory Services, it says that AMS observed 256 vehicles at 18 locations, but only issued 4 violations. Can I assume that there were only four violations or is it AMS's policy to give warnings first?

MR. HUYNH: No. I think that we give them warnings. Sometimes we give them violations. If they are a first time violator, we send them an official letter of warning.

MR. MINOTT: The other comes under the PADEP update. You should know that Pennsylvania has changed their aggregation policy in dealing with Marcellus Shale or natural gas, which I think is going to make it much more difficult to require the facilities to get Title V permits and tighter controls. The reason this is important to Philadelphia is that we are downwind of these emissions, and I think eventually it's going to have an impact on our ability to attain/maintain the National Air Quality Standards.

DR. FRANK: I have a question. One of the things you mentioned was asbestos permits. Just out of curiosity. Is there much of a problem in this City with asbestos removal in violation of permits or being done without permits?

MR. HUYNH: There are issues with some asbestos removal being done without permits. We catch them as we can.

MR. O'NEILL: The short answer is yes. That is why we have an Asbestos Control Unit.

DR. FRANK: Do they do it following the regs or fly by night kind of stuff?

MR. HUYNH: Both.

DR. FRANK: Have you ever thought of contacting the Feds and having them prosecute those cases under the EPA?

MR. HUYNH: Yes, we do that.

DR. FRANK: I was involved in such a case and it sensitized me to the issue.

MR. O'NEILL: We do it much better than the Feds. We let the Feds know everything we are doing because, we, as a delegation to enforce the Federal NESHAPS, we also incorporate that by reference in our regs. But our Asbestos Code and regs are more

stringent than the Feds. And, quite frankly, our asbestos personnel are more experienced and we have more of them. We have one very large enforcement matter, probably the largest on the east coast. We are also pursuing it criminally. We work very closely with the EPA and CID folks. It is a very difficult process. Please, if you would like to know more, please call me. I'd be happy to talk to you about it.

MR. MILLER: On the i-STEPS switch over to the State, is there any significant difference in the type of data you will be obtaining?

MR. HUYNH: The emissions from i-STEPS, we still have to upload to the EPA, National information remains the same. The only difference is the old system that we have does not come into compliance. The State does come into compliance for recordkeeping. The system that we have is outdated and the company no longer provides support. So we migrated to the State, but not only doing emission inventory. So all the facilities will find out how it works.

MR. BATTLE: Thanks, Tom Okay let's move to Regulation X.

4. New Business

REGULATION X

MR. BATTLE: Okay, we are on Number Four. We have a presentation on Regulation X.

MR. KIM: (Provided a presentation). (See attached).

MR. BATTLE: Comments or any questions?

DR. FRANK: I guess this is really for Patrick, because it seems like a legal thing. Is the document a little vague when it speaks to "will/ may produce" a regulated pollutant?

MR. O'NEILL: First of all, the regulation itself is already on the books. So, we are proposing a guideline for that regulation. This is basically to start you off in a position where you need to send in a request to AMS to see or get you an analysis. So it may be that you can do a short analysis and realize there is nothing. Now, the fact is the complex sources that we are talking about would seem to have significant impacts on traffic and congestion.

DR. FRANK: I know it seems self evident. I am just trying to understand in the world of regulatory activity does a "may"cause anything could be there. It just seems a little vague.

MR. O'NEILL: Know what? We can just take another look at it. We looked at it fairly closely and I think we're in a pretty good realm where we're certain that there is an

emission that triggers AMR X. Then the next critical question is (moving a little quickly) there are a number of exemptions. If you don't have 200 parking spaces in center city, you are done.

DR. FRANK: Or don't generate 100 traffic units per hours, whatever.

MR. O'NEILL: Right.

MR. MINOTT: Two very quick questions. I have never done a traffic study but I assume you look at a traffic as it is now and then superimpose the number of vehicles you expect to add, and that will give you your emissions?

MR. O'NEILL: There is a whole science to this. There are traffic engineers who do that. They do a traffic study set up. Sometimes you'll see these black trucks.

MR. MINOTT: Yeah, I always slam on the breaks; I think it's a cop.

MR. O'NEILL: It's part of the radar system. They are doing counts.

MR. MINOTT: The other question I have is (and maybe it is in the regulation or something) obviously, AMS, the City and Streets are going to be involved which means more staff time. Is there a fee associated with this?

MR. HUYNH: At this time there is no fee. But when we amend the Reg and it becomes final and we move into a permit at that time, we can collect fees and assess that.

MR. MINOTT: In the Regulation that is going to be proposed at the next meeting, there will be a fee proposed?

MR. HUYNH: Yes.

MR. MINOTT: There should be.

DR. FRANK: This is not something that we have to do, but, Mr. Chairman, would you entertain a motion to recommend that these set of guidelines be adopted?

MR. BATTLE: Yes I would. Is there a second to the motion?

MR. THUMMA: I would second that.

MR. BATTLE: All in favor of the motion presented by Arthur say Aye.

ALL MEMBERS: Aye.

MR. BATTLE: The motion is adopted. Thank you.

DR. FRANK: We are supportive of setting up those guidelines and we will address the issue of the actual regulation at the next meeting.

MR. BATTLE: Now, by the next meeting we will have a draft of the regulation. Do we want an ad hoc committee? As we did before? We can have a few of us have a conference call. Tom, I will call you and you will set up a conference call for us. We will then report back to the board members at the next meeting.

MR. MINOTT: This will include members of AMS and the Law Department?

MR. HUYNH: We will do that.

MR. BATTLE: Any other questions or observations before we adjourn?

MR. MINOTT: Just one quick observation. Most of you know that Governor Corbett and the State House and Senate are looking for an impact fee for the area around Marcellus Shale. I have written to the State senators requesting that the Philadelphia area be included in their endeavors.

5. Next Meeting:

Wednesday, February 8, 2012 @ 2:00 PM, MSB, 16th Floor, Room Z.

6. Adjourn

MR. BATTLE: Motion to adjourn?

The meeting is adjourned. Everyone have a great day.

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES
AIR MANAGEMENT SERVICES

October 18, 2011

MEMORANDUM

TO: Air Pollution Control Board Members
FROM: Thomas Huynh, AMS Director
RE: Air Program Update

Air Quality

- From January 1, 2011 to August 31, 2011, there were 110 Good Days (45%), 118 Moderate Days (49%), and 15 Unhealthy Days (6%). The unhealthy days occurred as follows:
 - 1 day was triggered by PM_{2.5} only (1/1)
 - 12 days were triggered by Ozone only (6/1, 6/7, 6/10, 7/6, 7/7, 7/10, 7/18, 7/19, 7/21-7/23, 7/29)
 - 2 days were triggered by both PM_{2.5} and Ozone (6/8, 6/9)
- Philadelphia has been classified as a nonattainment area for ozone for the 8-hour concentration (standard = 0.075 ppm), and for particulate matter of less than 2.5 microns in diameter for the 24-hour concentration (standard = 35 µg/m³) and the annual arithmetic mean (standard = 15 µg/m³).
- The 4th highest 8-hour ozone concentration for 2011 was 90.5 ppb (at Northeast Airport). However, the three year average of the 4th highest 8-hour ozone concentration is 83 ppb which is below the 1997 standard of 85 ppb.

Regulatory Services Activities

From June 1, 2011 to September 30, 2011, AMS reviewed 104 air permits, 74 operating licenses, and 118 asbestos permits and licenses. AMS serviced a total of 422 citizen complaints – 223 involving air pollution, 35 involving asbestos, and 164 involving noise. AMS also performed 338 air and noise inspections and 864 asbestos inspections. In addition, AMS observed 256 vehicles at 18 locations and issued 4 citations for violations of the City's anti-idling rules. For this period, AMS issued 209 violations, resolved 295 Notices of Violation, and collected \$227,107 in fines and penalties.

State Implementation Plan

- On September 3, 2011, the PA DEP Bureau of Air Quality's NSR PM_{2.5} final rulemaking notice was published in the Pennsylvania Bulletin. This final rulemaking will be submitted to the EPA as an amendment to the SIP.
- On September 21, 2011, the EPA approved a SIP revision submitted by Pennsylvania with regard to the control of NO_x emissions from glass melting furnaces. There are no facilities affected in Philadelphia.

- On October 20, 2011, the September 20, 2011, EPA approved SIP revision submitted by Pennsylvania with regard to control of particulate matter emissions from the operation of outdoor wood-fired boilers (OWBs) will become effective.
- On October 24, 2011, the August 24, 2011 EPA-approved SIP revision submitted by Pennsylvania with regards to adopt Reasonably Available Control Technology (RACT) for sources covered by EPA's Control Techniques Guidelines (CTG) standards for large appliance and metal furniture coatings will be effective. Three facilities are affected in Philadelphia.

Regulation X - Complex Source Review

Today we submit guidelines for the existing Air Management Regulation X including the permit application and instructions for review and comment by the Board. There is no legal need for the Board to approve the AMS guidelines, but we appreciate any comments you may have before we distribute it to the public. It is our goal to amend the existing Regulation X to appropriately address air quality concerns associated with major infrastructure projects. Accordingly, we ask that you review the draft regulation in advance of the next Board meeting.

Regulation XIV - Control of Perchloroethylene from Dry Cleaning Facilities

AMS has been working with the Commerce Department to help simplify the process that dry cleaners have to go through in order to legally install hydrocarbon dry cleaning machines. The process, which is currently being documented in a flow chart, will ensure that the dry cleaner understands all City requirements. In addition to the Health Department's requirements, there are Fire Code and L&I Code requirements that must be met, including installation of a fire barrier and sprinkler system (unless granted a variance).

AMS has received 35 permit applications for perc dry cleaning machines and 19 applications for hydrocarbon machines.

Asbestos Code 6-600

On October 13, 2011, City Councilman Jim Kenney and Jones introduced a bill to amend Chapter 6-600 of the Philadelphia Code , entitled” Asbestos Projects’ by providing that no person or affiliated persons, as defined , may be both a licensed contractor and a certified asbestos project inspector, under certain term and conditions”

The current Code and Regulation allow one to hold both licenses but prohibit one to perform both duties in the same project.

Strategic Plan

AMS staff continues to develop a 5-year strategic plan for the agency. AMS held a second meeting with several stakeholders on September 14, 2011.

Other

- AMS is working to develop a process to obtain information from the Philadelphia Regional Port Authority (PRPA) in order to have a bottom-up accurate Emission Inventory for the Philadelphia Port. The accurate emission inventory will allow AMS and the PRPA to better assess the impacts of port expansion projects and provide a baseline from which to create and implement emission mitigation strategies.
- Starting with the 2011 Calendar Year, AMS will no longer use i-STEPS to collect and report annual air emissions inventories. AMS will implement the PADEP Annual Emission Statement (AES) Online Web Application for the collection of air emissions inventory data from facilities in Philadelphia. Seven hands-on training sessions for facilities on the reporting functions of AES Online will be conducted at the PADEP Southeast Regional Office in December.

EPA Updates

- On July 8, 2011, EPA proposed a rule to waive requirements for Stage II vapor recovery systems on gas pumps. Under the proposal, beginning in June 2013, states that meet specified criteria would have the option of discontinuing Stage II systems. According to EPA, this proposal is justified because by 2013 an estimated 72 percent of all vehicles will be equipped with onboard vapor recovery systems. The agency also stated that this proposal “accomplishes the objectives” of the Administration’s efforts to review and update outdated rules to ensure that they still achieve their intended environmental benefits.
- On August 1, 2011, EPA published in the Federal Register its proposed rule for secondary National Ambient Air Quality Standards (NAAQS) for NO_x and SO_x. In the proposal, EPA seeks to retain the current secondary standards to protect vegetation from the direct impacts of NO_x and SO_x – an average annual standard of 0.053 parts per million (ppm) for NO₂ and a 0.5-ppm standard averaged over three hours for SO₂. EPA is proposing to set an additional set of secondary NAAQS, identical to the new health-based primary standards promulgated in 2010 – 100 parts per billion (ppb) for NO₂ and 75 ppb for SO₂, both averaged over one hour. The final standards will be issued by March 20, 2012.
- On August 8, 2011, EPA published in the Federal Register the Cross State Air Pollution Rule (CSAPR) to limit interstate transport of emissions of NO_x and SO₂ that contribute to harmful levels of fine particulate matter and ozone in downwind states. CSAPR replaces the Clean Air Interstate Rule (CAIR) promulgated in 2005 and remanded to EPA by the U.S Court of Appeals for the District of Columbia in 2008. The final rule, which takes effect in 27 states in the eastern U.S. on January 1, 2012, caps electric power plant emissions of NO_x and SO₂. EPA proposed to revise the rule on October 6, 2011. It revised the allocations for Florida, Louisiana, Michigan, Mississippi, Nebraska, New Jersey, New York, Texas, and Wisconsin, as well as new unit set-asides in Arkansas and Texas. It is also proposing to amend the assurance penalty provisions of the rule to make them effective beginning January 1, 2014. Several states including Texas, Florida, and power Companies and coal interests petitioned

the D.C. Circuit. Court to vacate the Rule and filed motions to stay it pending review. AMS is working with Law to get approval to intervene to support EPA.

- On August 9, 2011, EPA and the National Highway Traffic Safety Administration (NHTSA) announced final standards to reduce greenhouse gas emissions from and increase the fuel economy of medium- and heavy-duty trucks. The new standards apply to model years 2014 through 2018 for combination tractors, heavy-duty pickup trucks and vans and vocational vehicles.
- On August 15, 2011, EPA issued a final rule retaining the existing National Ambient Air Quality Standards (NAAQS) for CO (9 ppm for the 8-hour concentration and 35 ppm for the 1-hour concentration). The final rule also contains revisions to the CO monitoring network, requiring near road CO monitoring in core-based statistical areas (CBSAs) with a population of 2.5 million or more beginning January 1, 2015. Only one monitor per CBSA will be required, resulting in approximately 52 near road CO monitors nationwide. The CO near road monitors will generally be co-located with near road NO₂ monitors, though EPA is allowing flexibility for state and local agencies to use an alternative location on a case-by-case basis.
- On August 23, 2011, EPA published in the Federal Register proposed standards to reduce emissions of VOCs, methane gas and air toxics from oil and natural gas drilling operations. There is a 60-day public comment period, ending October 24, 2011. Additionally, EPA held three public hearings in the Pittsburgh, PA, Denver, CO, and Dallas, TX, areas, on September 27, 28 and 29, 2011, respectively. The proposed standards cover four rules for the oil and natural gas industry: a new source performance standard (NSPS) for VOCs; an NSPS for sulfur dioxide; an air toxics standard for oil and natural gas production; and an air toxics standard for natural gas transmission and storage.
- On September 22, 2011, EPA announced that EPA will implement the 2008 ozone standard of 0.075 parts per million (ppm). The agency will proceed with initial area designations under the 2008 standards, starting with the states' recommendations made in 2009 and updating them with the most current certified air quality data. EPA expects to issue proposed changes (i.e. 120-day letters) to the states' recommendations later this fall and will "quickly initiate and complete" a rulemaking to establish nonattainment area classification thresholds so that it can finalize the designations. Final designations are anticipated by mid-2012. With respect to the next ozone review, EPA will propose any appropriate revisions in fall 2013 and finalize any revisions in 2014.

PA DEP Updates

- On September 20, 2011, PADEP recommended proposed amendments to 25 Pa. Code Chapters 121, 129 and 130 for consideration by the Environmental Quality Board, to limit emissions of volatile organic compounds (VOCs) from inks, coatings, adhesives, fountain solutions and cleaning materials applied on and with flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. The proposed rulemaking would establish the emission limits and other requirements of the United States EPA 2006 Control Techniques Guidelines (CTGs) for flexible packaging printing and for offset lithographic printing and letterpress printing for these sources in PA. The proposed rulemaking would also include clarifying amendments to the recently promulgated regulations for adhesives, sealants, primers and solvents in Chapter 129 and 130. The VOC

reduction measures proposed in this rulemaking are reasonably required to attain and maintain the 1997 and 2008 8-hour National Ambient Air Quality Standards for ozone. The final rulemaking, if published as final-form regulation in the Pennsylvania Bulletin, will be submitted to the EPA as a revision to the State Implementation Plan.