



Pennsylvania Department of Environmental Protection

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December 7, 2007

Secretary

717-787-2814

Mr. Donald S. Welsh
Regional Administrator
U.S. EPA, Region III (3RA00)
1650 Arch Street
Philadelphia, PA 19103-2029

Re: State Implementation Plan Submission to Meet Obligations Under Section 110(a)(2)(D)(i) for the Eight-Hour Ozone and PM_{2.5} National Ambient Air Quality Standards (NAAQS)

Dear Mr. Welsh:

This letter is being submitted for approval on behalf of the Commonwealth of Pennsylvania as a revision to the State Implementation Plan (SIP) to meet the requirements of the federal Clean Air Act (CAA) related to interstate pollution transport requirements in accordance with Section 110(a)(2)(D)(i).

In accordance with Section 110(a)(2) of the CAA and 40 CFR Section 51.102(d), the PA Department of Environmental Protection (DEP) held a public hearing to receive comments on the proposed SIP revision on October 16, 2007. The comment period closed on October 16, 2007. One commentator, the State of Connecticut, submitted comments on the proposed SIP revision. A comment/response document and proof of public notice are enclosed.

As discussed below, this SIP revision is consistent with the August 15, 2006, William T. Harnett Guidance Memorandum, "Guidance for SIP Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the Eight-Hour Ozone and PM_{2.5} NAAQS" (Harnett Memorandum).

Section 110(a)(1) of the CAA provides that states must adopt and submit SIP revisions to the EPA within three years after the promulgation of a new or revised NAAQS, meeting the provisions of Section 110(a)(2) as applicable. Therefore, SIP revisions addressing the requirements related to Section 110(a)(2) for the eight-hour ozone and the PM_{2.5} NAAQS were due by statute no later than July 2000. Due to the litigation of both the eight-hour ozone and the PM_{2.5} NAAQS, the Commonwealth did not submit a SIP revision to satisfy the Section 110(a)(2) requirements by July 2000. EPA published a finding of failure to submit in the *Federal Register* on April 25, 2005, with an effective date of May 25, 2005. The Clean Air Interstate Rule (CAIR) Federal Implementation Plan (FIP) promulgated by EPA on April 28, 2006 (71 FR 25328), has partially satisfied this requirement, and the additional measures outlined herein will fully satisfy the pollutant transport provisions in Section 110 of the CAA. The August 15, 2006, Harnett Memorandum provides guidance to the states for meeting the 110(a)(2)(D)(i) requirements.



The “good neighbor” provisions of Section 110(a)(2)(D)(i) of the Act requires the Commonwealth to submit a SIP revision that contains adequate provisions prohibiting any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will:

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any national primary or secondary air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other state to prevent significant deterioration of air quality or to protect visibility.

Interstate Transport Requirement:

- On May 12, 2005, EPA promulgated the CAIR, which determined that 28 states (including Pennsylvania) and the District of Columbia contribute significantly to nonattainment of the eight-hour ozone and PM_{2.5} NAAQS (70 FR 25162). The CAIR requires upwind states to revise their SIPs to include control measures to reduce nitrogen oxide and sulfur dioxide emissions to address interstate transport of ozone and PM_{2.5} precursor emissions. Subsequently, EPA promulgated FIPs on April 28, 2006, for CAIR-covered states to ensure that the reductions are achieved according to the prescribed deadlines (71 FR 25328).
- Electric Generating Units (EGUs) in the Commonwealth are covered by the CAIR FIP for annual and seasonal ozone and for sulfur dioxide precursor emissions. The Harnett Memorandum advises that states covered by CAIR can comply with the Section 110(a)(2)(D)(i) obligations relating to “significant contribution” and “interference with maintenance” requirements by complying with the CAIR requirements. The Harnett Memorandum further advises that states within the CAIR-covered region need not submit a separate SIP revision to satisfy the Section 110(a)(2)(D)(i) requirements provided that they submit a SIP revision to satisfy CAIR. EGUs in Pennsylvania will continue to be regulated under the FIP until EPA approves Pennsylvania’s CAIR final-form regulation as a separate element of the SIP.

Nonattainment New Source Review (NNSR) and Prevention of Significant Deterioration (PSD) Requirements:

With respect to NNSR and PSD, the Harnett Memorandum advises that a state may fulfill its Section 110(a)(2)(D)(i) requirements by confirming that:

1. Major stationary sources for eight-hour ozone and PM_{2.5} are currently subject to PSD and NNSR permitting programs and that states are on track to meet the June 15, 2007, deadline for submitting SIPs to address the Phase II ozone implementation rule requirements.
 - The Commonwealth confirms that on August 9, 2007, it submitted a SIP revision to EPA for approval that meets the requirements of the Phase II Ozone Implementation

Rule for NNSR. The federal PSD provisions are incorporated by reference in their entirety in the *Pennsylvania Code* and codified as a SIP revision in 40 CFR 52.2020. Therefore, a PSD SIP revision to implement the Phase II rule was not required.

2. Major sources are subject to PSD and NNSR permitting programs implemented in accordance with EPA's interim guidance calling for use of PM₁₀ as a surrogate for PM_{2.5} related to the PSD and NNSR program requirements. DEP implements and enforces the PSD and NNSR in all areas of the Commonwealth, except Philadelphia and Allegheny counties; those counties administer and enforce approved local air pollution control programs under Section 12 of the Pennsylvania Air Pollution Control Act.
 - o The Commonwealth confirms that it is meeting the requirement for the use of PM₁₀ as a surrogate for PM_{2.5} in the PSD and NNSR programs.

Visibility Requirement:

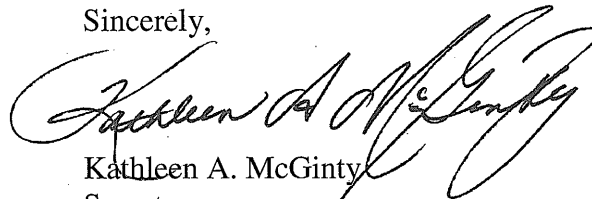
The EPA's guidance memorandum advises that the Section 110(a)(2)(D)(i) requirement related to protection of visibility is deferred until such time as the Commonwealth submits its Regional Haze SIP. The Commonwealth's Regional Haze SIP revision will assess whether there is interference with measures required to be included in the applicable implementation plan for any other state to protect visibility.

Conclusion:

The Commonwealth confirms that it meets requirements of Section 110(a)(2)(D)(i) of the Act for the eight-hour ozone and the PM_{2.5} NAAQS and does not significantly contribute to nonattainment or interference with maintenance of the NAAQS in another state.

If you have any questions regarding this submittal or require additional information, please contact Joyce E. Epps, Director, Bureau of Air Quality, by e-mail at jeepps@state.pa.us or by telephone at 717-787-9702.

Sincerely,



Kathleen A. McGinty
Secretary

Enclosure

Mr. Donald S. Welsh

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bcc: WARM
J. Epps
A. Shulman
ARM Reading File