

PADEP Issues Draft General Permit for Coal Mine Methane Enclosed Flares

October 2, 2023

Pittsburgh, PA and Washington, DC

FNREL Mineral and Energy Law Newsletter

Pennsylvania – Mining

(**Joseph K. Reinhart**, **Sean M. McGovern**, **Gina F. Buchman** and **Christina M. Puhnaty**)

In early July 2023, the Pennsylvania Department of Environmental Protection (PADEP) issued a draft general permit, GP-21, and an accompanying technical support document for the regulation of emissions from coal mine methane enclosed flares. See PADEP's Draft Permit and Technical Support Document at

<http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=860346>. PADEP cites sections 6.1 and 6.6 of the Pennsylvania Air Pollution Control Act, 35 Pa. Stat. §§ 4006.1, .6, and section 504(d) of the Clean Air Act, 42 U.S.C. § 7661c(d), as its authority for regulating coal mine methane enclosed flares.

The draft GP-21 sets forth standardized terms and conditions related to best available technology (BAT), compliance certification, notification, recordkeeping, reporting, and source testing requirements for coal mine methane enclosed flares at natural minor facilities. The GP-21 would authorize the construction, modification, and/or operation of coal mine methane enclosed flares that have actual emissions greater than what PADEP considers de minimis emissions:

- 4 tons per year (tpy) of carbon monoxide from a single source and 20 tpy of carbon monoxide at the facility;
- 1 tpy of nitrogen oxide (NOx) from a single source and 5 tpy of NOx at the facility;
- 6 tpy of oxides of sulfur from a single source and 8 tpy of oxides of sulfur at the facility; 0.6 tpy of PM10 from a single source and 3 tpy of PM10 at the facility;
- 1 tpy of volatile organic compounds (VOCs) from a single source and 5 tpy of VOCs at the facility; and
- 5 tpy of a single hazardous air pollutant (HAP) from a single source and 1 tpy of multiple HAPs at the facility. The HAPs may not contain polychlorinated biphenyls, chromium, mercury, lead, polycyclic organic matter, dioxins, or furans.

BAT compliance requirements for sources covered by a GP-21 includes operating the flare according to vendor/manufacture design standards designed to limit NOx emissions to be less than or equal to 0.08 lb/MMBtu and limit carbon monoxide emissions to less than or equal to 0.30 lb/MMBtu. The GP-21 will also require malfunction reporting, monthly visible emissions testing using EPA Method 22, and quarterly fractional gas analysis. If a coal mine methane enclosed flare cannot meet the requirements of the GP-21, a plan approval and/or operating permit issued in accordance with 25 Pa. Code ch. 127, subch. B and/or subch. F, will be required.

Copyright © 2023, The Foundation for Natural Resources and Energy Law, Westminster, Colorado

Babst | Calland
Attorneys at Law

PITTSBURGH, PA | CHARLESTON, WV | HARRISBURG, PA | LAKEWOOD, NY | STATE COLLEGE, PA | WASHINGTON, DC