



## **EQB Publishes Proposed Rulemaking for Control of VOC Emissions from Existing Oil and Natural Gas Sources**

Pennsylvania's Environmental Quality Board (EQB) published a proposed rulemaking in the May 23, 2020, *Pennsylvania Bulletin* entitled "Control of VOC Emissions from Oil and Natural Gas Sources." [50 Pa.B. 2633](#). This proposed rulemaking would have Pennsylvania adopt reasonably available control technology (RACT) requirements and RACT emission limitations for existing oil and natural gas sources of volatile organic compound (VOC) emissions. As proposed, the rule would apply to owners and operators of any of the following oil and natural gas sources of VOC emissions that were in existence on *or before* the effective date of this rulemaking: storage vessels (in all segments except natural gas distribution), natural gas-driven pneumatic controllers, natural gas-driven diaphragm pumps, centrifugal compressors and reciprocating compressors, and fugitive emission components.

This proposal is based on EPA's October 2016 Control Techniques Guidelines (CTG) for the Oil and Gas Industry, which provide RACT requirements for VOC emissions from existing oil and gas sources. Pursuant to the federal Clean Air Act, EPA established National Ambient Air Quality Standards (NAAQS) for six "criteria pollutants," which includes ground-level ozone. Ground level ozone is created in a photochemical reaction of oxides of nitrogen (another criteria pollutant) and VOCs in the presence of sunlight. The federal statute requires any (i) existing major source of VOC emissions (generally more than 50 tons per year of VOC depending on location) in an ozone nonattainment area and (ii) any other source (i.e., minor sources) for which EPA has issued a CTG to implement RACT to control emissions, consistent with the issued CTG. Pennsylvania is in the northeast ozone transport region, which makes the Commonwealth nonattainment for ozone, and thus triggers RACT under federal law.

The Clean Air Act requires states to revise their State Implementation Plans to include RACT for sources of VOC emissions covered by a CTG issued by the EPA. The US EPA proposed withdrawing the CTG in March 2018 but has not yet taken final action; Pennsylvania has continued to develop this rulemaking to meet the CTG implementation deadline of January 2021.

Despite the potential rollback of the CTG and other federal regulations by EPA, the Pennsylvania Department of Environmental Protection (PADEP) explained that it moved forward with this proposed rulemaking because: (1) PADEP reviewed EPA's reconsideration of the 2016 NSPS and, based on that proposed rule, modified this proposed rulemaking; (2) adoption of the proposed rule would help the Commonwealth achieve and maintain the eight-hour ozone NAAQS; (3) PADEP estimates that proposed control measures would reduce VOC emissions by more than 4,000 tons per year; and (4) the rulemaking would provide consistency among all oil and gas sources for monitoring fugitive emissions. These requirements are consistent with the leak detection and repair (LDAR) inspection requirements

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### **CONTACT**

**MICHAEL H. WINEK**

*mwinek@babstcalland.com*

412.394.6538

**GARY E. STEINBAUER**

*gsteinbauer@babstcalland.com*

412.394.6590

**GINA N. FALASCHI**

*gfalaschi@babstcalland.com*

202.853.3483

**Pittsburgh, PA**

Two Gateway Center

603 Stanwix Street

6th Floor

Pittsburgh, PA 15222

412.394.5400

**Washington, DC**

Suite 700

505 9th Street NW

Washington, DC 20004

202.853.3455

**BABSTCALLAND.COM**

specified in PADEP's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants and Transmission Stations (GP-5), the General Plan Approval and General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (GP-5A), and the Air Quality Permit Exemptions, Exemption 38. EQB's May 23rd proposal also notes that the rulemaking is consistent with Governor Tom Wolf's strategy to reduce methane from the oil and natural gas industry because, while this rulemaking focuses on the reduction of VOC emissions, methane emissions would also be reduced as a co-benefit since both VOCs and methane are emitted from oil and gas operations.

EQB is accepting written comments regarding this proposed rulemaking until July 27, 2020, through the online comment system, by email, or by mail. Additionally, EQB will hold three virtual public hearings regarding the proposed rulemaking on June 23, 2020, at 6 p.m., June 24, 2020, at 2 p.m., and June 25, 2020, at 6 p.m.

For additional information and assistance with draft comments, please contact Michael H. Winek at [mwinek@babstcalland.com](mailto:mwinek@babstcalland.com) or (412) 394-6538, Gary E. Steinbauer at [gsteinbauer@babstcalland.com](mailto:gsteinbauer@babstcalland.com) or (412) 394-6590, or Gina N. Falaschi at [gfasaschi@babstcalland.com](mailto:gfasaschi@babstcalland.com) or (202) 853-3483.

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