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INDEPENDENT REGULATORY
REVIEW COMMISSION

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: PROPOSED RULEMAKING NEW SOURCE REVIEW

* * * * *

BEFORE: SACHIN SHANKAR, Environmental Engineer
Manager

HEARING: Wednesday, March 10, 2010
1:08 p.m.

LOCATION: Department of Environmental Protection
2 East Main Street
Norristown, PA 19401

WITNESSES: Sachin Shankar

COPY

Reporter: Kenneth D. O'Hearn

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OPENING REMARKS

By Sachin Shankar

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P R O C E E D I N G S

MR. SHANKAR:

Environmental Quality Board Public
Hearing, Proposed Rulemaking, New Source of Review. I
would like to welcome you to the Environmental Quality
Board's public hearing on the proposed regulations
concerning Nonattainment New Source Review for PM2.5
Emissions. My name is Sachin Shankar. I am an
Environmental Engineer Manager with the Department of
Environmental Protection's Southeast Regional Office.
I am representing the EQB at today's hearing. I
officially call this hearing to order at 1:08 p.m.

The purpose of this hearing is to
formally accept testimony on the proposed regulations
concerning Nonattainment New Source Review for PM2.5
Emissions. In addition to this hearing, the EQB held
a similar hearing yesterday in Pittsburgh and we'll
hold another hearing on Friday, March 12th, 2010 in
Harrisburg.

This Proposed Rulemaking, which was
adopted by the EQB on November 17, 2009 includes
amendments to existing Nonattainment New Source Review
requirements at 25 PA Code Chapters 121 and 127 in
order to incorporate recently promulgated Federal

1 requirements for PM2.5 and PM2.5 precursors. The
2 amendments would limit the emissions of PM2.5 and
3 PM2.5 precursors, including SO2 and NOx for new major
4 air contamination sources or major air contamination
5 sources being modified in certain counties and
6 portions of counties of the Commonwealth that are
7 designated as nonattainment of the PM2.5 National
8 Ambient Air Quality Standard.

9 The following counties in Pennsylvania
10 have been designated nonattainment for the 1997 PM2.5
11 annual NAAQS; Allegheny, Armstrong, Berks, Beaver,
12 Bucks, Butler, Cambria, Chester, Cumberland, Dauphin,
13 Delaware, Greene, Indiana, Lancaster, Lawrence,
14 Lebanon, Montgomery and Philadelphia counties. There
15 are approximately 700 major facilities in Pennsylvania
16 that may be subject to the existing NSR rules if major
17 modifications to those facilities are proposed.

18 The majority of these facilities affected
19 by these regulatory changes are the already subject to
20 the Commonwealth's existing NSR provisions in the
21 Chapter 127. Therefore, it is not anticipated that
22 significant additional costs would be incurred by the
23 affected facilities to implement the provisions of
24 this rulemaking. To provide increased flexibility to
25 the owners and operators of sources in the

1 Commonwealth, the rulemaking includes PM2.5 precursor
2 trading ratios to offset PM2.5 emissions increases in
3 PM2.5 nonattainment areas.

4 The Department worked with the Air
5 Quality Control Technical Advisory Committee, ACTAC in
6 the development of this proposed rulemaking. At
7 AQTAC's May 28, 2009 meeting the committee concurred
8 with the Department's recommendation to seek Board
9 approval of the proposed rulemaking. In addition to
10 consultation with AQTAC the Department presented the
11 proposed rulemaking to the Citizens Advisory Council
12 on July 21, 2009.

13 In order to give everyone an equal
14 opportunity to comment on this proposal, I would like
15 to establish the following ground rules. I will first
16 call upon the witnesses who have pre-registered to
17 testify at this hearing. After hearing from those
18 witnesses, I will provide any other interested parties
19 with the opportunity to testify as time allows.

20 Testimony is limited to ten minutes for
21 each witness. Organizations are requested to
22 designate one witness to present testimony on its
23 behalf. Each witness is asked to submit three written
24 copies of his or her testimony to aid in transcribing
25 the hearing. Please hand me your copies prior to

1 presenting your testimony. Please state your name,
2 address and affiliation for the record prior to
3 presenting your testimony. The EQB would appreciate
4 your help by spelling names and terms that may not be
5 generally familiar so that the transcript can be as
6 accurate as possible.

7 Because the purpose of a hearing is to
8 receive comments on the proposal, EQB or DEP staff may
9 question witnesses; however, the witnesses may not
10 question the EQB or DEP staff. In addition to or in
11 place of oral testimony presented at today's hearing,
12 interested persons may also submit written comments on
13 this proposal. All comments must be received by the
14 EQB on or before April 12, 2010. Comments should be
15 addressed to the Environmental Quality Board, P.O. Box
16 8477, Harrisburg, PA, 17105-8477. Comments may also
17 be e-mailed to RegComments@state.pa.us.

18 All comments received at this hearing as
19 well as written comments received by April 12, 2010
20 will be considered by the EQB and will be included in
21 a Comment/Response document, which will be prepared by
22 the Department and reviewed by the EQB prior to the
23 Board taking its final action on this regulation.

24 Anyone interested in receiving a copy of
25 the transcript of today's hearing may contact the EQB

1 for further information. I would like to call for the
2 first witness at this time. Since we do not have any
3 witness we will go forward and complete the rest of
4 the hearing. Nobody has submitted any written
5 testimony for this hearing and no one is present at
6 this hearing as a witness.

7 I'm going to wait for 20 minutes for
8 witnesses who may be delayed due to traffic or other
9 parking-related issues who may not be able to arrive
10 here on time. After 20 minutes, if no one is present
11 then I will adjourn the hearing. I'm going to wait
12 for 20 minutes.

13 SHORT BREAK TAKEN

14 MR. SHANKAR:

15 With no witnesses present on behalf of
16 the EQB, I hereby adjourn this hearing at 1:43 p.m.

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18 * * * * *

19 HEARING CONCLUDED AT 1:43 P.M.

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22 CERTIFICATE

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24 I hereby certify, as the stenographic
25 reporter, that the foregoing proceedings were taken

1 stenographically by me, and thereafter reduced to
2 typewriting by me or under my direction; and that this
3 transcript is a true and accurate record to the best
4 of my ability.

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Court Reporter

