



Testimony of

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Pennsylvania Department of Environmental Protection

For the Ozone Transport Commission Public Hearing

On Section 184(c) Petition Submitted by Maryland

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I. Introduction

Good afternoon, Executive Director Foerter and members of the Ozone Transport Commission (OTC). My name is Randy Bordner and I am the Section Chief of Stationary and Area Sources for the Pennsylvania Department of Environmental Protection's (DEP) Bureau of Air Quality. On behalf of Pennsylvania DEP, I would like to thank you for the opportunity to testify. As a member of the OTC, the Commonwealth of Pennsylvania has a vested interest in reducing ozone pollution across the multi-state ozone transport region – or OTR, for short. In furtherance of that shared goal, Pennsylvania has worked with other OTR states to achieve significant reductions in ozone pollution and is currently moving forward with a rulemaking to address additional RACT requirements. However, Pennsylvania does not bear the full brunt of that burden. My testimony will explain why it is not necessary for the OTC to develop additional control measures in Pennsylvania to bring any area in the OTR into attainment for the

2008 or 2015 ozone national ambient air quality standards – the ozone “NAAQS.” Overall, DEP considers the petition to be unnecessary and unwarranted.

II. EPA denied Maryland’s and Delaware’s Section 126 Petitions

On October 5, 2018, the U.S. Environmental Protection Agency (EPA) published its denial of four petitions submitted by Delaware and one petition submitted by Maryland under Clean Air Act section 126(b), which requested that EPA find that emissions from identified sources in other states significantly contribute to Delaware and Maryland’s nonattainment of the ozone NAAQS.¹ In denying the petitions, EPA found that the identified sources were not emitting, and were not expected to emit, pollution in violation of the Clean Air Act good neighbor provision for either the 2008 or 2015 ozone NAAQS. EPA also determined that the identified facilities consistently operate their Selective Catalytic Reduction – or SCR – controls throughout the ozone season and that the SCRs are turned down or off during periods of low generation, which most likely does not occur during peak ozone formation times in the afternoon hours.²

In the section 126 petitions, Maryland and Delaware also argued that Pennsylvania Electric Generating Units (EGUs) must optimize their existing controls, as Maryland is arguing in its section 184(c) petition. In response, EPA stated that existing controls on the identified sources have already been optimized under the Cross-State Air Pollution Rule Update, and therefore, there are no additional control strategies available to further reduce NO_x emissions at these sources to address the 2015 NAAQS.³

The sources identified in the section 126 petitions include the same Pennsylvania EGUs that Maryland identified in its section 184(c) petition to the OTC. As I just explained, EPA has

¹ See 83 FR 50444 (October 5, 2018).

² *Id.*

³ *Id.* at 50449.

already determined that these Pennsylvania facilities do not contribute to nonattainment in OTR downwind states.

III. Additional NO_x Reductions at Pennsylvania EGUs Are Not Necessary or Cost-Effective

Section 184(c) of the Clean Air Act only authorizes the OTC to develop recommendations for additional control measures on petition of an OTR state, if the OTC determines that additional control measures are “*necessary* to bring any area in such region into attainment... [emphasis added].”⁴ That is not the case here. Pennsylvania is already implementing the Cross-State Air Pollution Rule Update and the presumptive RACT II Rule as approved by EPA.⁵ Additionally, in its section 126 petition denials, EPA determined that it would not be cost-effective to further reduce NO_x emissions at the identified EGUs beyond the level of NO_x control stringency in the Cross-State Air Pollution Rule Update.⁶

Additional control measures on Pennsylvania EGUs are also unnecessary because emission reductions can be achieved elsewhere. The section 184(c) petition process is broader than the section 126 petition process, in that the section 126 petition process applies only to major sources or groups of stationary sources. Section 184(c) is not so limited. Under the broad authority of section 184(c), the OTC should consider the significant impact of mobile sources and localized sources in the OTR. Satellite data indicates that OTR states contribute significant NO_x emissions from mobile sources and localized sources along the I-95 corridor. Maryland’s

⁴ 42 U.S.C.A. § 7511c(c)(1).

⁵ See 84 FR 20274 (May 9, 2019).

⁶ *Id.* at 50445.

own Clean Air 2018 Progress Report notes that “[e]missions from mobile sources continue to be the largest source of NO_x pollution in Maryland....”⁷.

It is not necessary - or cost-effective - for Pennsylvania EGUs to implement additional control measures to make up for the impact of mobile source and local source pollution. Addressing mobile sources is a matter that involves EPA consideration. DEP, therefore, recommends that the OTC consider the section 184(c) petition process for mobile sources. If emission reductions can be made elsewhere, then additional control measures on Pennsylvania EGUs beyond what the Clean Air Act requires are not “necessary,” and Maryland’s petition does not meet the section 184(c) criteria.

IV. Pennsylvania Emission Reductions, Control Measures and Other Actions

Pennsylvania DEP recommends the OTC review EPA’s denial of Maryland and Delaware’s section 126 petitions, as well as EPA’s proposed denial of New York’s section 126 petition⁸. Additionally, OTC members should review the Midwest Ozone Group’s “Good Neighbor” modeling, which determined that all areas east of the Mississippi River, except for one city in Wisconsin, are in attainment for the ozone NAAQS. This modeling further demonstrates that Pennsylvania EGUs are not contributing to downwind nonattainment and is included as an attachment to this testimony.

DEP has implemented and will continue to implement control measures required by the Clean Air Act. Currently, DEP is implementing RACT II control measures that require coal units to meet 0.12 pounds of NO_x per million Btu heat input when the SCR inlet temperature

⁷ Maryland Dep’t of the Environment, Maryland Clean Air 2018 Progress Report, p. 2, available at: <https://mde.maryland.gov/programs/Air/Pages/AirQualityReports.aspx>.

⁸ See footnote 1, above. See also 84 FR 22787 (May 20, 2019).

reaches 600 degrees Fahrenheit⁹ and for coal units with selective noncatalytic reduction (or SNCR) to operate the SNCR when the temperature reaches 1600 degrees Fahrenheit¹⁰.

DEP reviewed the NOx continuous emission monitoring data from the units and the ozone exceedance days included in Maryland's petition. The daily emission rates from units permitted by DEP were under 0.12 lbs/MMbtu when the temperature reached 600 degrees Fahrenheit, thereby indicating the operation of SCR. The hourly emissions for Pennsylvania units during the exceedance days identified by Maryland met the 0.12 pounds of NOx per MMbtu control limit in all cases except hours when the units were operating under 60% capacity or when they were transitioning through the 60%-rated capacity threshold as related to temperatures.¹¹

DEP is also reviewing measures for these facilities to address the RACT State Implementation Plan requirements due in 2020 for the 2015 ozone standard. In addition, DEP has initiated a rulemaking process for "RACT III" and will work with the OTC stationary source committee throughout the process.

V. Conclusion

In summary, Pennsylvania DEP believes this petition to be unfounded and unnecessary, as EPA has made a determination under the Clean Air Act and DEP is moving forward with a rulemaking to address additional RACT requirements. Since 1991, Pennsylvania has worked with other OTR states on achieving drastic reductions in ozone pollution. Pennsylvania looks forward to continuing this important work, in ways that are meaningful, effective and authorized under the Clean Air Act. At this time, we believe that OTC's efforts would be better spent on

⁹ See 25 Pa. Code § 129.97(g)(1)(viii).

¹⁰ See 25 Pa. Code § 129.97(g)(1)(ix).

¹¹ See attached CAMD operation data.

addressing pollution from mobile sources along the I-95 corridor. Thank you for your consideration of DEP's comments.

I am submitting DEP's testimony and the incorporated attachments for the record.