

Seminar 1: General Permits and Exemption Changes

February 11, 2011

Presented by:

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Marcellus Shale Clean Air Permits

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ReedSmith

Tom Bianca, P.E.
Manager, Air Quality Engineering

AECOM

Marcellus Shale Clean Air Permits

Background

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- What is a Plan Approval?
- The RFD Process (Applicability Determination)
- What pre-construction activities can be implemented before issuance of a permit?

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Background

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- What is an Operating Permit?
- What is a General Permit?
- Typical emissions

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Exemptions

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- Exemptions from the requirements to obtain plan approvals and operating permits
- DEP's Draft Exemption List

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DEP'S General Permits Affecting Natural Gas Production Facilities

Tom Bianca, AECOM

- What is included within the scope of the current General Permit-5?
 - Internal combustion engines (100 to 1500 bhp)
 - Separators
 - Glycol dehydrators

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Draft General Permit-5 Terms

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- Emission limits
- Performance testing
- Potential to emit
- Modifications
- Mandatory recordkeeping
- Term
- Transfer of ownership

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Another Draft General Permit-5?

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- Content and timing

What Is Included Within The Scope Of The Current General Permit-9?

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- Overview

What Is Included Within The Scope Of The Current General Permit-11?

Larry Demase, Reed Smith

- Non-road engines
- Notifications
- Draft General Permit–11 Terms

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Contact Information

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USEFUL LINKS

GENERAL PERMITS & DRAFT GENERAL PERMITS

<http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-9742>

This links to all PADEP General Permits (GP) 1 through 25. At the bottom of the listing are the draft GP 11 conditions and the draft GP 5 conditions.

Of concern to Marcellus Shale activities are:

- GP-5 for natural gas engines and glycol dehydrators and its proposed revision
- GP-9 for diesel engines for electric power generation
- GP-11 for temporary drilling and fracing engines and its proposed revision

EXEMPTION LIST

The following is a link to the PADEP Exemption List:

<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-80104/275-2101-003.pdf>

DRAFT EXEMPTION LIST

Proposed draft PADEP Exemption List link:

<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-80137/275-2101-003.pdf>

Speaker Profiles

Tom Bianca, P.E., Manager, Air Quality Engineering – AECOM

Tom Bianca manages AECOM's Air Quality Group in the Mechanicsburg, Pennsylvania office. He has more than 26 years of analytical and environmental engineering experience, specializing in air pollution control services. He has state agency and private industry experience, and has been responsible for air-quality-related projects, including permitting, Prevention of Significant Deterioration (PSD), Best Available Control Technology (BACT), New Source Performance Standards (NSPS), engineering and design, process optimization, facility location determinations, planning and evaluating continuous emission monitoring systems (CEMS), parametric emission monitoring systems (PEMS), Greenhouse Gas (GHG) emissions, and stack testing programs. He has extensive experience in air permitting, source testing, sampling, and analytical development for specific source applications. He also possesses extensive experience in landfill gas management and migration, and has overseen the development of software for air quality applications.

Larry Demase, Esquire, Partner – Reed Smith LLP

Larry Demase is a member of Reed Smith's Environmental Law Team. He focuses his practice on administrative and judicial proceedings under the Clean Air Act, the Comprehensive Environmental Response Compensation and Liability Act ("Superfund"), the Pennsylvania Air Pollution Control Act, the Pennsylvania Hazardous Substances Control Act and the Pennsylvania Sewage Facilities Act. He also has dealt extensively with permitting and pretreatment requirements for disposal of waste in public sewers, and contamination of gas storage and transmission facilities. Larry has lectured extensively on EPA's new "Tailoring Rule" and the GHG BACT Guidelines.

Jennifer Smokelin, Esquire, Counsel – Reed Smith LLP

Jennifer has advised clients in administrative and judicial proceedings under the Clean Air Act and the Pennsylvania Air Pollution Control Act, including challenges to permit decisions. Most recently, she has brought an action claiming that the Pennsylvania Department of Environmental Protection's determination on a Request For Determination was contrary to the July 26, 2003 Department Policy and Procedure for Air Quality Permit Exemptions. Jennifer has advised clients on sustainability issues surrounding GHG emissions, including (1) the regulatory compliance aspects of the EPA's recent mandatory GHG Inventory rule and BACT guidance, (2) the Renewable Fuel Standards or RFS under the Energy Independence and Security Act of 2007, (3) dealing with climate risks in an acquisition document, and (4) sustainability issues in development, including LEED certification (silver) for a theater project. Jennifer was a delegate to the 15th Conference of the Parties (COP15) under the United Nations' Framework Convention on Climate Change in Copenhagen, Denmark in December 2009. Jennifer is a Professor of Law (adjunct) at the University of Pittsburgh School of Law, where she teaches the course "The Law, Science and Business of Climate Change." She has published extensively on energy and energy policy issues, air issues, and climate change issues. Some recent publications include:

- Co-author, "After Copenhagen, it is clear there will be winners and losers," *The National Law Journal* (Feb. 8, 2010)
- "BACT is the New Black: USEPA issues long-awaited GHG permitting guidance for states," www.lexology.com (Nov. 11, 2010)
- "11 Climate Change Issues For 2011," *Law360* (Jan. 18, 2011)