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Clean Air Council and Group Against Smog and Pollution Respond to Harmful Pennsylvania DEP Aggregation Determination Guidance

On October 21, 2011, the Pennsylvania Department of Environmental Protection (PA DEP) released an astonishing new piece of technical guidance for performing single stationary source determinations for oil and gas industries. The new guidance, clearly intending to help industry, departs from federal law and numerous US Environmental Protection Agency (EPA) determinations by looking primarily at distance between oil and natural gas operations when making source determinations.

“This guidance is a rejection of years of hard work and thoughtful consideration relating to activities that should be permitted together,” said Clean Air Council Executive Director Joseph O. Minott, Esq.

A single source determination, or aggregation, refers to the combining of pollutant-emitting activities for permitting purposes. DEP’s determination will allow many small and interconnected sources to skirt regulation because they do not reach sufficient emission thresholds on their own, despite their detrimental impact on air quality when considered collectively. Due to the very nature of natural gas operations, which all produce harmful emissions, single source determinations are complex but crucial.

"DEP characterizes this as a common sense approach to aggregation. However, the idea that two pieces of equipment that are part of a single industrial process should be considered separate sources simply because they are 1321 feet apart defies common sense," said GASP staff attorney Lauren Burge.

The Council and GASP believe that this new policy, which establishes the framework within which DEP will exercise its administrative discretion in the future, betrays the goals of the Clean Air Act and the Pennsylvania Air Pollution Control Act.

“The Council will continue to push DEP to perform proper single source determinations,” Minott said. “Hopefully the EPA will understand that this framework is not in accord with federal law and will take action to address the air quality issues that the DEP is determined to ignore.”

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Clean Air Council is a member-supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. For more information visit www.cleanair.org
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