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DEP will not be Enforcing the VOC Emission Rule

WARRENDALE, PA - On December 10, 2022, an EMERGENCY (but permanent) rule regulating volatile organic compound (VOC) emissions from conventional oil and gas sources went into effect. PIOGA, along with PIPP and PGCC, appealed the new rule to the Commonwealth Court.

Our appeal is based on the fact the DEP combined the VOC rulemaking for both conventional and unconventional sources. The DEP's combination violates the law requiring separate regulations for conventional and unconventional oil and gas operations.

Despite our appeal, the VOC rule remained in effect. Under the rule all Pennsylvania conventional oil and gas operators were going to be required to file the first VOC report on or before June 1, 2024. However, as you know from our last newsletter, we had a major court victory. The DEP filed preliminary objections to our appeal. By a decision recently handed down, DEP lost all of those objections.

Following that loss the DEP contacted our legal counsel to explore settlement of the case. That call was not unexpected. When the Commonwealth Court threw out the DEP's preliminary objection the Court used language that made it clear the Court was not at all convinced by the DEP's arguments. The DEP has virtually no maneuvering room left—hence the call.

As part of the settlement discussions the DEP has agreed that “DEP will not be enforcing the regulation subject to this litigation - “Control of VOCs from Conventional Oil and Natural Gas Sources,” 25 Pa. Code 129.131-129.140, which went into effect on December 10, 2022, 52 Pa. Bull. 7635.”

YOU ARE NOT REQUIRED TO SUBMIT THE VOC EMISSION REPORT THAT WAS DUE JUNE 1, 2024. DEP WILL NOT BE ENFORCING THE VOC EMISSION REGULATION.

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