Allegheny County Health Department

DIRECTOR
Bruce W. Dixon, M.D.

AIR QUALITY PROGRAM
301 39th Street – Bldg. #7
Pittsburgh, PA 15201-1891

Phone: (412) 578-8115
Fax: (412) 578-8144

BOARD OF HEALTH
Paul M. King, Esq., Q.E.P.
Chair
Lee Harrison, M.D.
Vice Chair
Rev. Ricky V. Burgess
Donald S. Burke, M.D.
Joan Cleary, R.N.
Anthony Ferraro
James M. Flynn, Jr.
Ellen C. Stewart, M.D.
William Youngblood

May 10, 2012

Ms. Joyce Epps
Department of Environmental Protection
Bureau of Air Quality
Rachel Carson Building
400 Market Street, P. O. Box 8468
Harrisburg, PA 17105-8468

Dear Ms. Epps:

Enclosed are a paper copy and an exact duplicate of this paper copy on a computer disk in searchable pdf file format of a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan (SIP) for the Attainment and Maintenance of the 8-Hr Ozone National Ambient Air Quality Standard. Changes made to Article XXI, Air Pollution Control Rules and Regulations, and County Ordinance 16782 are related to regulations incorporating Consumer Products regulations being added new at Sections 2105.88.
This SIP revision is being tracked as Allegheny County Tracking Number 70A.1.

This SIP Revision was the subject of a public comment period from August 10, 2011 until September 12, 2011 the date of the public hearing. It was approved by the Board of Health on November 30, 2011, enacted by County Council on March 20, 2012, approved and signed by the Allegheny County Chief Executive on March 23, 2012, and became effective April 3, 2012.

We request that the Pennsylvania Department of Environmental Protection approve this revision and forward it to the U.S. EPA Region III with a recommendation for approval.

If you have any questions, please call me at the number above or email me at jthompson@achd.net.

Sincerely,

James Thompson, Manager
Air Quality Program

cc: Arlene Shulman, DEP
Steve Hepler, DEP

Enclosures

25-CS-0911

REVISION TO ALLEGHENY COUNTY'S PORTION

of the

PENNSYLVANIA STATE IMPLEMENTATION PLAN

for the

ATTAINMENT AND MAINTENANCE

of the

NATIONAL AMBIENT AIR QUALITY STANDARDS

(Revision Tracking No. 70A.1)

Amendment to

Consumer Products Regulations
For the
8-Hour Ozone National Ambient Air Quality Standard

(Revision Tracking No. 70A.1)

Table of Contents

A. Consumer Products Regulations

1. Summary of action

2. New Regulation

B. Documentation of Public Hearing and Certifications

Public Hearing Notice
Proof of Publication of Hearing
Notices to US EPA and PA DEP
Certification of Hearing
Summary of Comments and Responses
Certification of Approval & Adoption

A.

Consumer Products - State Implementation Plan (SIP) Revision for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS)

Summary of Action

ACHD is incorporating by reference the Pennsylvania Department of Environmental Protection's (DEP) Air Pollution Control Act at 25 Pa. Code §§130.201- 130.471, Consumer Products. This regulation controls the VOC content of consumer products for sale in the state of Pennsylvania in order to reduce VOC levels, and by extension ozone levels, throughout the Commonwealth. By incorporating this regulation, ACHD will have the authority to request information on volatile organic compound (VOC) levels in consumer products that are listed in PA DEP's Air Pollution Control Act at 25 Pa. Code §§130.201- 130.471 for sale in Allegheny County, to ensure that products do not exceed accepted VOC levels. All information on consumer products sought under this regulation shall be subject to ACHD's preexisting Confidentiality regulations, Article XXI §2101.07.d.4. All consumer products seeking a variance from the regulation must submit to the Pennsylvania DEP, as variances will not be handled by ACHD in order to remain consistent across the Commonwealth. This regulation will be incorporated into Allegheny County's portion of the Pennsylvania's SIP, making it federally enforceable.

PART E - SOURCE EMISSION AND OPERATING STANDARDS

Subpart 8 – Additional Miscellaneous VOC Sources

The following section is being added to Article XXI:

§2105.88 CONSUMER PRODUCTS

{Section added March 23, 2012, effective April 3, 2012.}

a. **Incorporation by Reference.** Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulation for Consumer Products promulgated under the Air Pollution Control Act at 25 Pa. Code §§130.201- 130.471 which are hereby incorporated by reference into this Article. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

1. For the purposes of 25 Pa. Code §130.391, *Required reporting of information to the Department*, "Department" shall mean Department as defined under this Article.

2. For the purposes of 25 Pa. Code §130.392, *Confidentiality*, "Section 13.2 of the Air Pollution Control Act (25 P.S. §4013.2)" shall mean §2101.07.d.4 of this Article.

b. **Variances.** Variances of compliance pursued under 25 Pa. Code §§130.201- 130.471 shall be submitted to and issued by the Pennsylvania Department of Environmental Protection.

B.

Documentation of Public Hearing and Certifications

Public hearing notice
Proof of publication of notice of hearing
Transmittals of hearing notice to EPA & PA DEP
Certification of hearing
Comment and response document
Certification of Approval & Adoption

NOTICE OF PUBLIC HEARING
FOR PROPOSED AMENDMENTS TO
ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS
ARTICLE XXI, AIR POLLUTION CONTROL

The Allegheny County Board of Health will hold a public hearing on **Monday, September 12, 2011**, at **10:00 AM**, Building #7 First Floor Conference Room, Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on the following proposed modifications to Allegheny County Health Department Article XXI and County Ordinance 16782:

Revisions or additions to the Article XXI Sections
§2101.10 Definitions of major source and major modification
§2102.04 Installation Permits
§2102.06 Major Sources Locating in or Impacting a Nonattainment Area
§2102.08 Emission Offset Registration
§2105.88 Consumer Products
§2105.101 Control Of NOx Emissions From Glass Melting Furnaces

As well as a letter modifying Allegheny's County's review of Reasonably Available Control Technology (RACT) plans for the eight-hour ozone standard.

The proposed changes to §2101.10, §2102.04, §2102.06, and §2102.08 will be incorporated as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan for New Source Review.

The proposed changes to §2105.88 and §2105.101 and the RACT letter will be incorporated as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan for the control of ozone and particulate matter.

Copies of the proposed amendments may be examined beginning Wednesday, August 10, 2011, at the Allegheny County Health Department Document Room, Building 7, Clack Health Center, from 8:30 AM until 3:30 PM Monday thru Friday; on the Allegheny County Health Department web site: www.achd.net; or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8008 no less than 24 hours in advance of the public hearing. Speakers will be limited to five minutes and should bring a written copy of their comments.

The Board will accept written testimony beginning **Wednesday, August 10, 2011**, and concluding **Monday, September 12, 2011**, by mail to:

Board of Health
3333 Forbes Avenue
Pittsburgh, PA 15213
By email to BOH@achd.net
By Fax to 412-578-8325

No. _____ Term, _____

Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss K. Flaherty, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

08 of August, 2011

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

COPY OF NOTICE OR PUBLICATION

NOTICE OF PUBLIC HEARING FOR PROPOSED AMENDMENTS TO ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS ARTICLE XXI, AIR POLLUTION CONTROL

The Allegheny County Board of Health will hold a public hearing on Monday, September 12, 2011, at 10:00 AM, Building #7 First Floor Conference Room, Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on the following proposed modifications to Allegheny County Health Department Article XXI and County Ordinance 16782:

Revisions or additions to the Article XXI Sections

§2101.10 Definitions of major source and major modification

§2102.04 Installation Permits

§2102.06 Major Sources Locating in or impacting a Nonattainment Area

§2102.08 Emission Offset Registration

§2105.88 Consumer Products

§2105.101 Control Of NOx Emissions From Glass Melting Furnaces

As well as a letter modifying Allegheny's County's review of Reasonably Available Control Technology (RACT) plans for the eight-hour ozone standard.

The proposed changes to §2101.10, §2102.04, §2102.06, and §2102.08 will be incorporated as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan for New Source Review.

The proposed changes to §2105.88 and §2105.101 and the RACT letter will be incorporated as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan for the control of ozone and particulate matter.

Copies of the proposed amendments may be examined beginning Wednesday, August 10, 2011, at the Allegheny County Health Department Document Room, Building 7, Clack Health Center, from 8:30 AM until 3:30 PM Monday thru Friday; on the Allegheny County Health Department web site: www.achd.net; or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8008 no less than 24 hours in advance of the public hearing. Speakers will be limited to five minutes and should bring a written copy of their comments.

The Board will accept written testimony beginning Wednesday, August 10, 2011, and concluding Monday, September 12, 2011, by mail to:
Board of Health
3333 Forbes Avenue
Pittsburgh, PA 15213
By email to
BOH@achd.net
By Fax to
412-578-8325

K Flaherty
PG Publishing Company

Sworn to and subscribed before me this day of:
August 08, 2011

Linda M. Gaertner

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda M. Gaertner, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Jan. 31, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

STATEMENT OF ADVERTISING COSTS

ALCTY HEALTH-LEGAL-FORBES AVE
JANET NORKUS
3333 FORBES AVE
PITTSBURGH PA 15213

To PG Publishing Company

Total ---------- $127.05

Publisher's Receipt for Advertising Costs

PG PUBLIS NY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby ackn of the aforsaid advertising and publication costs and certifies that the same have been fully p

Offi
34 Boulevard
PITTSBURG
Phone 412

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By _____

I hereby certify he original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

_____
Attorney For

Allegheny County Health Department

DIRECTOR
Bruce W. Dixon, M.D.

AIR QUALITY PROGRAM
301 39th Street – Bldg. #7
Pittsburgh, PA 15201-1891

Phone: (412) 578-8115
Fax: (412) 578-8144

BOARD OF HEALTH
Paul M. King, Esq., Q.E.P.
Chair
Lee Harrison, M.D.
Vice Chair
Al M. Ahmed, P.E.
Rev. Ricky V. Burgess
Donald S. Burke, M.D.
Hon. Joan Cleary, R.N.
James M. Flynn, Jr.
William Youngblood

August 3, 2011

Ms. Joyce Epps, Director
Department of Environmental Protection
Bureau of Air Quality
Rachel Carson Building
400 Market Street, P.O. Box 8468
Harrisburg, PA 17105-8468

Dear Ms. Epps:

Enclosed is a Notice of Public Hearing scheduled to occur on September 12, 2011, regarding proposed revisions to Allegheny County's portion of the Pennsylvania State Implementation Plans (SIPs), for (1) New Source Review and (2) the control of ozone and particulate matter. These SIP revisions are being tracked as our Revision Tracking Numbers 66 and 70, respectively.

Item (1) related regulatory changes include revising the definition of "major source" in light of the EPA Greenhouse Gas Tailoring Rule, and revising Article XXI non-attainment NSR regulations in response to EPA promulgated NSR regulation changes.

Item (2) related regulatory changes include the addition of new regulations in Article XXI for the control of VOC content in consumer products, and the control of NOx emissions from glass melting furnaces. Additionally, Item (2) includes a letter modifying Allegheny County's review of Reasonably Available Control Technology (RACT) for the 8-hr ozone standard.

Your comments are welcome.

Sincerely,

James E. Thompson
Manager

cc: Arleen Shulman
Steve Hepler

Enclosures
- Public Hearing Notice
- Proposed SIP Revisions 66 and 70

Allegheny County Health Department

DIRECTOR
Bruce W. Dixon, M.D.

AIR QUALITY PROGRAM
301 39th Street – Bldg. #7
Pittsburgh, PA 15201-1891

Phone: (412) 578-8115
Fax: (412) 578-8144

BOARD OF HEALTH
Paul M. King, Esq., Q.E.P.
Chair
Lee Harrison, M.D.
Vice Chair
Al M. Ahmed, P.E.
Rev. Ricky V. Burgess
Donald S. Burke, M.D.
Hon. Joan Cleary, R.N.
James M. Flynn, Jr.
William Youngblood

August 4, 2011

Ms. Diana Esher, Director
Air Protection Division
Region III (3AP00)
U.S. Environmental Protection Agency
1680 Arch Street
Philadelphia, PA 19103-2029

Dear Ms. Esher:

Enclosed is a Notice of Public Hearing scheduled to occur on September 12, 2011, regarding proposed revisions to Allegheny County's portion of the Pennsylvania State Implementation Plans (SIPs), for (1) New Source Review and (2) the control of ozone and particulate matter. These SIP revisions are being tracked as our Revision Tracking Numbers 66 and 70, respectively.

Item (1) related regulatory changes include revising the definition of "major source" in light of the EPA Greenhouse Gas Tailoring Rule, and revising Article XXI non-attainment NSR regulations in response to EPA promulgated NSR regulation changes.

Item (2) related regulatory changes include the addition of new regulations in Article XXI for the control of VOC content in consumer products, and the control of NOx emissions from glass melting furnaces. Additionally, Item (2) includes a letter modifying Allegheny County's review of Reasonably Available Control Technology (RACT) for the 8-hr ozone standard.

Your comments are welcome.

Sincerely,

James E. Thompson
Manager

Enclosures
- Public Hearing Notice
- Proposed SIP Revision 66
- Proposed SIP Revision 70

Revision 70A

SIP Submittal for
Consumer Products and Glass Melting Furnaces Regulations
For the
8-Hour Ozone NAAQS

Certification of Hearing

Alaina Conner deposes and says that she is the Pollution Prevention and Outreach Coordinator for the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on September 12, 2011 on the proposed amendment to the County's portion of the Pennsylvania State Implementation Plan for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) that would revise Article XXI with the addition of regulations §2105.88, Consumer Products, and §2105.101, Control of NOx Emissions from Glass Melting Furnaces; that the opportunity for written comments was given in accordance with the requirements of 40 CFR 51.102; that notice of such hearing was given by publication in a newspaper of general circulation on August 8, 2011; and to the best of her knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

Alaina Conner,
Pollution Prevention & Outreach Coordinator
Air Quality Program
Allegheny County Health Department

12/16/11
Date

SUMMARY OF COMMENTS AND RESPONSES

There were no public comments made on this SIP Revision.

CERTIFICATION of APPROVAL and ADOPTION

To the best of my knowledge, information, and belief, I the undersigned hereby certify that the amendments adding Sections 2105.88, and 2105.101, to Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, and Ordinance No. 16782 of the County of Allegheny, adopted by the Allegheny County Board of Health on November 30, 2011, enacted by the Allegheny County Council on March 20, 2012 (Ordinance 06-12-OR), approved by the Allegheny County Chief Executive on March 23, 2012, and effective April 3, 2012, as a revision to the County's Portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards, was duly and properly enacted as prescribed by the Local Health Administration Law and the Second Class Charter Law, and as such, are fully and legally enforceable by the Allegheny County Health Department and the County of Allegheny as provided for by the within authority.

Henry Miller, III, Esquire
Solicitor
Allegheny County Health Department

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ALLEGHENY) S.S.

On the 27th day of April, 2012,

Henry Miller, III personally appeared before me, the undersigned authority, satisfactorily proven to me to be the person whose name appears above, and did in my presence execute the above certification for the purposes contained therein.

WHEREFORE, I have hereunto set my hand and official seal the 27 day of April, 2012.

NOTARY PUBLIC

NOTARIAL SEAL
JANET M NORKUS
Notary Public
PITTSBURGH CITY, ALLEGHENY COUNTY
My Commission Expires May 29, 2015