

Allegheny County Health Department

DIRECTOR

Bruce W. Dixon, M.D.



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

AIR QUALITY PROGRAM

301 39th Street – Bldg. #7
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December 15, 2011

BOARD OF HEALTH

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Ellen C. Stewart, M.D.

William Youngblood

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-Hour Ozone National Ambient Air Quality Standards. This SIP revision is being tracked as Allegheny County Tracking Number 70B. It

On May 5, 2009 the Pennsylvania Department of Environmental Protection (PA DEP) submitted to the U.S. Environmental Protection Agency (EPA) a SIP revision for Allegheny County RACT plans for the 8-hour ozone standard, Allegheny County Tracking Number 60. That submittal included VOC RACT regulations, a negative declaration list of several VOC regulations, NOx RACT regulations, and source-specific (or case-by-case) 8-hour RACT evaluations. The Allegheny County Health Department (ACHD) now requests that this earlier SIP revision (60) be changed due to the invalidation of the Clean Air Interstate Rule (CAIR) and court decisions that have held that ozone RACT plans cannot be demonstrated using either of the two cap-and-trade programs, CAIR or the NOx SIP Call.

This latest SIP revision (70B) is a letter from the Allegheny County Health Department, to be submitted by PA DEP, requesting that the May 2009 revision be changed to remove references to the Clean Air Interstate Rule (CAIR) and the NOx SIP Call, and certifying that with respect to the "case-by-case evaluations," the 21 VOC and NOx RACT sources within Allegheny County did not reference or rely on CAIR or reference the NOx SIP Call to complete either the Ozone 1-Hour RACT Plan or the Ozone 8-Hour RACT Plan.

The public comment period for this SIP Revision took place from August 10, 2011, through September 12, 2011 when the public hearing was held. There were no comments during the public comment period. The County Board of Health approved the SIP revision at their meeting on November 30, 2011.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "J. E. Thompson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James Thompson, Manager
Air Quality Program

cc: Arlene Shulman, DEP
Steve Hepler, DEP
Enclosures

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. 70B)

Amendment to
Reasonably Available Control Technology (RACT) Plans
For the
8-Hour Ozone National Ambient Air Quality Standard

Revision Tracking No. 70B
Table of Contents

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A.

Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revision for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS)

Statutory Authority:

25 Pennsylvania Code Subpart C Article III, Chapter 133: Local Air Pollution Agencies

1. Introduction

Background and Requirements:

The federal Clean Air Act (CAA) of 1990 gives the states primary responsibility for achieving the National Ambient Air Quality Standards (NAAQS). The NAAQS are established by the U.S. Environmental Protection Agency (EPA) as the maximum concentrations in the atmosphere for specific air contaminants, set to protect public health and welfare. The principal mechanism at the state and local level for complying with the CAA is the State Implementation Plan (SIP). A SIP outlines the programs, actions, and commitments that a state will carry out to fulfill its responsibilities under the CAA. Once approved by the EPA, a SIP is a legally binding document under both state and federal law.

In June 2004, EPA designated 126 areas of the country as “non-attainment” under the 8-hour ozone NAAQS. Among those non-attainment areas is the Pittsburgh-Beaver Valley Ozone Non-Attainment Area (NAA) located in Pennsylvania.

In order to reduce ozone concentrations in the ambient air, the CAA requires all non-attainment areas to apply Reasonably Available Control Technology (RACT) controls on major volatile organic compound (VOC) and nitrous oxide (NO_x) emission sources to achieve emission reductions. According to the EPA’s Final Rule to Implement the 8-Hour Ozone NAAQS (70 FR 71612, November 29, 2005), areas classified as moderate non-attainment or higher must submit a demonstration that their current rules fulfill 8-hour ozone RACT requirements for all CTG categories and all major, non-CTG sources as a revision to their SIPs. Such demonstrations can be made with either a new RACT determination or a certification that previously required RACT controls represent RACT for the 8-hour ozone standard.

In 1996, 2001, and 2005 the Pennsylvania Department of Environmental Protection (PADEP) submitted source-specific revisions to the Pennsylvania State Implementation Plan (SIP), for the implementation of RACT for those sources located within Allegheny County, under the one-hour ozone standard. On May 5, 2009 the PA DEP submitted to the Environmental Protection Agency a SIP revision for Allegheny County RACT plans for the 8-hour ozone standard. This submittal included VOC RACT regulations, a negative declaration list of several VOC regulations, NO_x RACT regulations, and source-specific (or case-by-case) 8-hour RACT evaluations.

On December 23, 2008, the D.C. Circuit remanded without vacatur EPA's Clean Air Interstate Rule. On November 3, 2009 EPA published a final stay of CAIR. Subsequently, the United States Court of Appeals, District of Columbia Circuit decided a suit on July 10, 2009, that, among other issues, held that ozone RACT plans could not be demonstrated using either of the two cap-and-trade programs, CAIR or the NO_x SIP Call

Therefore, this SIP revision is a letter from the Allegheny County Health Department, to be submitted by the PA DEP, requesting that the May 2009 revision be changed to remove references to the Clean Air Interstate Rule (CAIR) and the NO_x SIP Call.

Specifically, ACHD requests that the following lines marked in strikeout be removed from the RACT document:

Table 2 - NOx RACT List and Certification Under the 8-Hour Ozone NAAQS

Allegheny County Regulation	RACT Basis Document	SIP Revision Approved by EPA	RACT Rule Applicability and Requirements	Requirements at least as stringent as the 8-hour ozone RACT?
Major Source of Nitrogen Oxides and Volatile Organic Compounds Article XXI §2105.06	NOx RACT, CAA Section 182(b)(2) and Section 182(f)	10/7/02 67FR62389	This section establishes provisions for case-by-case determinations of RACT for major NOx sources. In addition, it establishes requirements for case-by-case RACT determinations for certain major NOx sources and establishes presumptive RACT limitations for certain classes of combustion units.	Yes. This provision represents current NOx RACT control requirement under the 8-hour ozone NAAQS.
NOx Allowance Requirements 2105.100	These sections ensure that sources subject to the cap-and-trade program achieve RACT-level reductions because they meet the NOx SIP Call requirements. EPA believes that the SIP provisions for these sources subject to the State's emission cap-and-trade program where the cap-and-trade program has been adopted by the State that meets the NOx SIP Call requirements meet the ozone NOx RACT requirement (70 FR 71652).	Effective 3/31/98. By County ordinance. Referenced state rule approved by EPA, 8/21/01, 66FR 43795 effective 9/20/01.	This Section requires compliance with the PaDEP NOx budget and NOx allowance trading program for NOx affected sources located in Allegheny County and subject to 25 Pa Code Sections 123.101 through 123.120 and Appendix A, for the purpose of achieving the health based ozone ambient air quality standard.	Yes. This provision represents current NOx RACT control requirement under the 8-hour ozone NAAQS.
Clean Air Interstate Rule (CAIR)			This rule will require additional NOx reductions from EGU facilities. Allegheny County sources will be subject to the state rule.	

Case-by-Case Review

ACHD also certifies in the letter that under **Section 5: Case-By-Case Evaluations**, the 21 VOC and NO_x RACT sources within Allegheny County did not reference or rely on CAIR or reference the NO_x SIP Call to complete either the Ozone 1-Hour RACT Plan or the Ozone 8-Hour RACT Plan.

2. Submittal Letter

Allegheny County Health Department

DIRECTOR

Bruce W. Dixon, M.D.



AIR QUALITY PROGRAM

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

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December 15, 2011

BOARD OF HEALTH

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William Youngblood

Ms. Diana Esher
Director, Air Protection Division
Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

On May 5, 2009 the Pennsylvania Department of Environmental Protection submitted to you a State Implementation Plan (SIP) for Reasonably Available Control Technology (RACT) Plans for the 8-Hour Ozone National Ambient Air Quality Standard, Allegheny County Tracking Number 60. The Allegheny County Health Department (ACHD) requests that this revision to be changed due to the invalidation of the Clean Air Interstate Rule (CAIR).

Specifically, ACHD requests that the following lines marked in ~~strikeout~~ be removed from the RACT document:

Table 2 - NOx RACT List and Certification Under the 8-Hour Ozone NAAQS

Allegheny County Regulation	RACT Basis Document	SIP Revision Approved by EPA	RACT Rule Applicability and Requirements	Requirements at least as stringent as the 8-hour ozone RACT?
Major Source of Nitrogen Oxides and Volatile Organic Compounds Article XXI §2105.06	NOx RACT, CAA Section 182(b)(2) and Section 182(f)	10/7/02 67FR62389	This section establishes provisions for case-by-case determinations of RACT for major NOx sources. In addition, it establishes requirements for case-by-case RACT determinations for certain major NOx sources and establishes presumptive RACT limitations for certain classes of combustion units.	Yes. This provision represents current NOx RACT control requirement under the 8-hour ozone NAAQS.

<p>NOx Allowance Requirements 2105.100</p>	<p>These sections ensure that sources subject to the cap-and-trade program achieve RACT-level reductions because they meet the NOx SIP Call requirements. EPA believes that the SIP provisions for those sources subject to the State's emission cap-and-trade program where the cap-and-trade program has been adopted by the State that meets the NOx SIP Call requirements meet the ozone NOx RACT requirement (70 FR 71652).</p>	<p>Effective 3/31/98. By County ordinance. Referenced state rule approved by EPA, 8/21/01, 66FR 43795 effective 9/20/01</p>	<p>This Section requires compliance with the PaDEP NOx budget and NOx allowance trading program for NOx affected sources located in Allegheny County and subject to 25 Pa Code Sections 123.101 through 123.120 and Appendix A, for the purpose of achieving the health based ozone ambient air quality standard.</p>	<p>Yes. This provision represents current NOx RACT control requirement under the 8-hour ozone NAAQS.</p>
<p>Clean Air Interstate Rule (CAIR)</p>			<p>This rule will require additional NOx reductions from EGU facilities. Allegheny County sources will be subject to the state rule.</p>	

In addition to this request, ACHD certifies that under **Section 5: Case-By-Case Evaluations**, the 21 VOC and NOx RACT sources within Allegheny County did not reference or rely on CAIR or reference the NOx SIP Call to complete either the Ozone 1-Hour RACT Plan or the Ozone 8-Hour RACT Plan.

Sincerely yours,



James E. Thompson
 Manager

D.

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

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

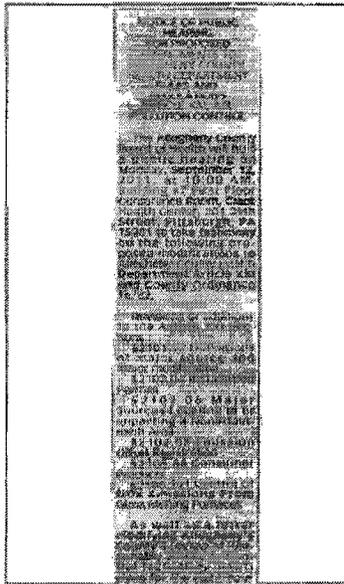
Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

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 1950 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



K. Flaherty
PG Publishing Company
Sworn to and subscribed before me this day of August 08, 2011

Judith M. Halter
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Judith M. Halter, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Jan. 31, 2015

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To PG Publishing Company

Total \$127.05

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges the receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

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

By _____

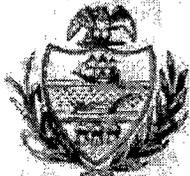
I hereby certify that the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

Attorney For

Allegheny County Health Department

DIRECTOR

Bruce W. Dixon, M.D.



AIR QUALITY PROGRAM

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Pittsburgh, PA 15201-1891

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Hon. Joan Cleary, R.N.
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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

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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 NO_x 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

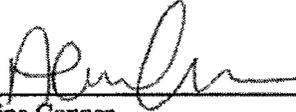
- Public Hearing Notice
- Proposed SIP Revision 66
- Proposed SIP Revision 70

Revision 70B

SIP Submittal for
RACT Plan Review 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 that would revise the County's review of the RACT Plan for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS); 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.