

**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. 90A

**Allegheny County Health Department
Rules and Regulations
Article XXI, Air Pollution Control**

**§2102.06, Major Sources Locating In or Impacting
a Nonattainment Area**

And

§2101.20, Definitions

Additional Requirements for Fine Particulate Matter in the Nonattainment New Source Review Program

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1. Revision

*{Deletions are shown with strikethroughs. Additions to are shown in **bolded and enlarged font, and underlined.**}*

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§2102.06 MAJOR SOURCES LOCATING IN OR IMPACTING A NONATTAINMENT AREA *{Amended March 23, 2012, effective April 3, 2012. Subsection f amended November 13, 2014, effective January 1, 2015.}*

- a. **Applicability.** This Section shall apply to any new major facility, as defined by 25 Pa. Code 121.1 and to any major modification of an existing source which is located in a nonattainment area or transport region of the County or which will have a significant air quality impact on any nonattainment area or transport region. Procedures in 25 Pa. Code 127.203a shall be followed in determining whether any modification at a major source is determined to be a major modification.
1. Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulation for New Source Review Applicability Determination promulgated under the Air Pollution Control Act at 25 Pa. Code §127.203 (except 127.203(b)), 127.203a, and 127.204, which are hereby incorporated by reference into this Subsection. All terms used in 25 Pa Code 127.203 (except 127.203(b)), 127.203a, and 127.204, and defined in 25 Pa. Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
 2. For purposes of this Subsection:
 - A. “Department” shall mean Department as defined under this Article;
~~and~~
 - B. “Plan Approval” shall mean Installation Permit;

C. At Subparagraph (i) under the definition of “Major Facility,” found at 25 Pa. Code §121.1, the following additional “lower emissions thresholds” shall apply:

- 1. Seventy TPY of PM2.5 in a serious nonattainment area for PM2.5.**
- 2. Seventy TPY of NOx in a serious nonattainment area for PM2.5.**
- 3. Seventy TPY of SO2 in a serious nonattainment area for PM2.5.**
- 4. Seventy TPY of VOCs in a serious nonattainment area for PM2.5.**
- 5. Seventy TPY of ammonia in a serious nonattainment area for PM2.5.**

D. Subsubparagraph (iii)(B) of the definition of “Regulated NSR pollutant” shall read as follows: “(B) SO₂, VOCs and ammonia are precursors to PM_{2.5} in all PM_{2.5} nonattainment areas.”

E. Subparagraph (i) of the definition of “Significant” shall read as follows with respect to the Emission Rate for PM_{2.5}: “10 TPY of PM_{2.5}; 40TPY of SO₂; 40TPY of VOCs; 40TPY of ammonia; 40TPY of NO_x, unless the Department demonstrates to the EPA’s satisfaction or EPA determines that the NO_x emissions are not a significant contributor to PM_{2.5} nonattainment in the area.” And,

F. “Significance level(s)” shall mean “significant air quality impact” as defined under this Article.

3. **Circumvention.** Regardless of the exemptions provided in this section, an owner or other person may not circumvent this section by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit or submission of an installation permit application. In determining the LAER standard for such increments, the Department shall consider the stage of construction of each increment and the feasibility of installing additional air pollution controls on each.
- b. **Conditions for Approval.** The Department shall not issue an Installation Permit, or issue, amend, modify, or reissue a related Operating Permit, for any source to which this Section applies unless the applicant demonstrates that all of the following conditions are met:
 1. Except as otherwise specifically provided under this Subsection, conditions for approval of an installation permit shall be applied consistent with the provisions of the state regulation for New Source Review promulgated under the Air Pollution Control Act at 25 Pa. Code §127.201 through 127.205 (except 127.201(f)), which are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code §127.201 through 127.205 (except 127.201(f), and defined in 25 PA Code Section 121.1 are incorporated by reference, except as explicitly set forth herein.

Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

2. For purposes of this Subsection:
 - A. "Department" shall mean Department as defined under this Article;
 - B. "Plan approval" shall mean Installation Permit;
 - C. "Title V Permit" shall mean an Operating Permit issued under Subpart C;
 - D. "Responsible official" shall mean Responsible Official as defined under this Article;
 - E. Public notification procedures shall follow the requirements of §2102.03, 2103.04, 2102.05, and 2102.06; and
 - F. "EHB" shall mean the "Department under Article XI".

G. At Subparagraph (i) under the definition of "Major Facility," found at 25 Pa. Code §121.1, the following additional "lower emissions thresholds" shall apply:

- 1. Seventy TPY of PM2.5 in a serious nonattainment area for PM2.5.**
- 2. Seventy TPY of NOx in a serious nonattainment area for PM2.5.**
- 3. Seventy TPY of SO2 in a serious nonattainment area for PM2.5.**
- 4. Seventy TPY of VOCs in a serious nonattainment area for PM2.5.**
- 5. Seventy TPY of ammonia in a serious nonattainment area for PM2.5.**

H. Subsubparagraph (iii)(B) of the definition of "Regulated NSR pollutant" shall read as follows: "(B) SO2, VOCs and ammonia are precursors to PM2.5 in all PM2.5 nonattainment areas." And,

I. Subparagraph (i) of the definition of “Significant” shall read as follows with respect to the Emission Rate for PM2.5:

“10 TPY of PM2.5; 40TPY of SO2; 40TPY of VOCs; 40TPY of ammonia; 40TPY of NOx, unless the Department demonstrates to the EPA’s satisfaction or EPA determines that the NOx emissions are not a significant contributor to PM2.5 nonattainment in the area.”

J. 25 Pa. Code §127.202(a), “Effective date,” shall read as follows:

“(a) The special permit requirements in this subchapter apply to an owner or operator of a facility to which a plan approval is issued by the Department after May 19, 2007, except the special permit requirements for PM2.5 and precursors to PM2.5 which apply as follows:

- (1) PM2.5, NOx and SO2 after September 3, 2011.**
- (2) VOCs and ammonia after -----
{Editor’s Note: The blank refers to the effective date of adoption of this proposed rulemaking.}**

K. “Significance level(s)” shall mean “significant air quality impact” as defined under this Article.

3. **Emission Offsets.**

The applicant shall demonstrate that it has secured emission reduction credits from the state ERC registry system to offset allowable emissions and fugitive dust emissions from the proposed new source or the proposed modification by at least the ratios set forth below.

A. Incorporation by Reference. Except as otherwise specifically provided under this Subsection, the state regulations for the use of Emission Reduction Credits and offset ratios promulgated under the Air Pollution Control Act at 25 Pa. Code §§127.206 through 127.210 inclusive, are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code 127.206 through 127.210 inclusive, and defined in 25 PA Code Section 121.1, are incorporated by reference except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

B. For purposes of this Subsection:

1. Plan approval" shall mean Installation Permit; and
2. For 25 Pa. Code §§ 127.206 through 127.210 (except 127.206(d)(2), 127.207(3)(vii), 127.208 (5), 127.209(a) and 127.209 (e)), "Department" shall mean Department as defined under this Article.

3. At Subparagraph (i) under the definition of “Major Facility,” found at 25 Pa. Code §121.1, the following additional “lower emissions thresholds” shall apply:

- aa. Seventy TPY of PM2.5 in a serious nonattainment area for PM2.5.**
- bb. Seventy TPY of NOx in a serious nonattainment area for PM2.5.**
- cc. Seventy TPY of SO2 in a serious nonattainment area for PM2.5.**
- dd. Seventy TPY of VOCs in a serious nonattainment area for PM2.5.**
- ee. Seventy TPY of ammonia in a serious nonattainment area for PM2.5.**

4. 25 Pa. Code §127.210, “Offset ratios,” Subsection (a) shall read as follows for the PM2.5 offset levels:

<i>Pollutant/Area</i>	<i>Flue Emissions</i>	<i>Fugitive Emissions</i>
.....		
PM2.5 Nonattainment Area		
PM2.5	1:1	1:1
PM2.5 Precursors		
SO2	1:1	1:1
NOx	1:1	1:1
VOCs	1:1	1:1
Ammonia	1:1	1:1

- c. **Temporary Sources.** Temporary sources shall not be required to comply with net air quality benefit and offsets requirements.
- d. **Fuel Switches.** The Department may issue an Installation Permit for the modification of an existing source which is required to switch fuels pursuant to a federal order or fuel curtailment plan if:
 - 1. The applicant demonstrates that it has used all best efforts to secure all available offsets; and,
 - 2. The applicant is made subject to a permit condition requiring it to use all best efforts to secure additional offsets until the requirements of Paragraph b.3 are met.
- e. **Portable facilities.** Incorporation by Reference. The state regulations for portable facilities under the Air Pollution Control Act at 25 Pa. Code §§127.212 are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code §§127.212 and defined in 25 PA Code Section 121.1 are incorporated by reference. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
- f. **Requirements for Modeling.** Where air quality models are used to meet the provisions of this Section, modeling shall be based on the applicable models and other requirements specified in 40 CFR Part 51 Appendix W (Guideline on Air Quality Models). Where an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model may be substituted only on a case-by-case basis at the Department's discretion upon written approval by the Administrator of EPA. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures set forth in 40 CFR 51.102.

g. **Plantwide Applicability Limit (PALs).**

The Plantwide Applicability Limits (PALs) regulations in 25 Pa. Code §127.218 are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code §127.218 and defined in 25 PA Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

For purposes of this Subsection:

1. Public notification procedures shall follow the requirements of §2102.03, 2103.04, 2102.05, and 2102.06;
2. "Plan approval" shall mean Installation Permit; and
3. "Department" shall mean the Allegheny County Health Department.
4. **At Subparagraph (i) under the definition of "Major Facility," found at 25 Pa. Code §121.1, the following additional "lower emissions thresholds" shall apply:**
 - A. Seventy TPY of PM2.5 in a serious nonattainment area for PM2.5.
 - B. Seventy TPY of NO_x in a serious nonattainment area for PM2.5.
 - C. Seventy TPY of SO₂ in a serious nonattainment area for PM2.5.
 - D. Seventy TPY of VOCs in a serious nonattainment area for PM2.5.
 - E. Seventy TPY of ammonia in a serious nonattainment area for PM2.5.
5. **Subparagraph (i) of the definition of "Significant" shall read as follows with respect to the Emission Rate for PM2.5:**
"10 TPY of PM2.5; 40TPY of SO₂; 40TPY of VOCs; 40TPY of ammonia; 40TPY of NO_x, unless the Department demonstrates to the EPA's satisfaction or EPA determines that the NO_x emissions are not a significant contributor to PM2.5 nonattainment in the area."
6. **"Significance level(s)" shall mean "significant air quality impact" as defined under this Article.**

The following existing definition is being revised in §2101.20.

*{Deletions are shown with strikethroughs. Additions to are shown in **bolded and enlarged font , and underlined.**}*

§2101.20 DEFINITIONS *{Amended mm/dd/2019, effective mm/dd/2019}*

"Significant air quality impact" means an increase in pollutant concentrations exceeding the following:

Pollutant	Average Time				
	<u>Annual</u>	<u>24 Hour</u>	<u>8 Hour</u>	<u>3 Hour</u>	<u>1 Hour</u>
PM-10	1.0 ug/m ³	5 ug/m ³	-----	-----	-----
Particulate	1 ug/m ³	5 ug/m ³	-----	-----	-----
<u>PM2.5</u>	<u>0.2 ug/m³</u>	<u>1.2 ug/m³</u>			
SO ₂	1 ug/m ³	5 ug/m ³	-----	25 ug/m ³	-----
NO _x	1 ug/m ³	-----	-----	-----	-----
CO	-----	-----	0.5 mg/m ³	-----	2.0 mg/m ₃
Lead	-----	0.1 ug/m ³	-----	-----	-----

All major new or modified sources of volatile organic compounds shall be considered to have a significant air quality impact. *{Lead added September 6, 1995, effective October 20, 1995}*

End of Regulation Changes

2. Technical Support Document

The regulation/SIP revision changes the following sections of the Allegheny County Rules and Regulations, Article XXI, Air Pollution Control:

§2102.06, Major Sources Locating in or Impacting a Nonattainment Area
§2101.20, Definitions

The changes are being submitted as a SIP change.

Background

The Clean Air Act requires the U.S. EPA to periodically review the National Ambient Air Quality Standards (NAAQS) and to revise them as may be appropriate. On December 14, 2012, EPA issued a ruling that lowered the primary annual PM_{2.5} standard from 15ug/m³ to 12ug/m³.

On August 24, 2016, the EPA issued State Implementation Plan (SIP) requirements for the 2012 PM_{2.5} NAAQS. The EPA's implementation rule requires states with nonattainment areas for particulate matter less than and equal to 2.5 micrometers in diameter (PM_{2.5}) to amend their new source review (NSR) regulations to include emissions of volatile organic compounds (VOC) and ammonia as PM_{2.5} precursors.

ACHD Implementation

ACHD is herein submitting a change to its NSR regulation – Article XXI, §2102.06 and a related definition at §2101.20. This regulation change is also a SIP change.

Concurrently, the Pennsylvania Department of Environmental Protection (DEP) is also revising its NSR regulations found at 25 Pa. Code Chapter 127, Subchapter E.

Article XXI, §2102.06 already incorporates by reference the NSR requirements of 25 Pa. Code Chapter 127, Subchapter E. However, because the DEP does not yet have their similar regulation changes in place, ACHD cannot simply rely on that, since there is no means of determining whether the PA DEP's proposed NSR regulation change will be approved in time.¹ Therefore, in the revision proposal, ACHD will include in Article XXI, §2102.06, each specific change proposed to be made by DEP to the 25 Pa. Code NSR regulations (see descriptions below). In this way, ACHD will be consistent with the State regulation.

¹ The EPA has issued a "Finding of Failure to Submit" (83 FR 14759, April 6, 2018) for Pennsylvania, which requires the SIP change to be deemed complete by November 2019 to avoid sanctions.

Basis of ACHD Changes in the EPA Implementation Rule and Proposed State Regulation Revision.

The necessary changes to the ACHD NNSR regulation are defined in the implementation rule (81FR58010, August 24, 2016). The DEP has drafted proposed revisions to its NNSR regulations found in 25 Pa. Code Chapter 127, Subchapter E to meet the EPA requirements. These changes are outlined below. ACHD's regulation revision will reflect these changes to the greatest extent possible, because, the ACHD regulation already takes the incorporation by reference approach. All the proposed DEP change below will be captured in the changes made to Article XXI, §2102.06, as described in Section 1, above, of this SIP Submittal.

Overall, the proposed amendments to Chapter 127, Subchapter E (relating to new source review) would:

- Establish that emissions of VOC and ammonia are precursors to PM_{2.5} for new major sources or major sources being modified in certain counties of this Commonwealth that are designated as nonattainment for the PM_{2.5} NAAQS.
- Propose significant impact levels (SIL) for PM_{2.5}.
- Propose offset ratios for emissions of VOCs and ammonia as PM_{2.5} precursors.
- Amend three definitions.

Specific changes.

The proposed rulemaking would amend:

- § 127.202 (relating to effective date) to establish that emissions of VOCs and ammonia would be regulated as PM_{2.5} precursors after the effective date of adoption of the proposed rulemaking.
- § 127.203 (relating to facilities subject to special permit requirements) to establish PM_{2.5} Significant Impact Levels (SILs).
 - Annual SIL is 0.2 micrograms per cubic meter (µg/m³).
 - 24-hour SIL is 1.2 µg/m³.

The proposed SILs conform with the EPA guidance for SILs published on April 17, 2018, in the Memorandum from Peter Tsirigotis, Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program.

- § 127.210 (relating to offset ratios) to establish an emissions offset ratio of 1:1 for VOC or ammonia as PM_{2.5} precursors. This is the minimum offset ratio required for NSR programs and is the same as the offset ratio for direct PM_{2.5} and for the other PM_{2.5} precursors SO₂ and NO_x.
The EPA's implementation rule did not address specific emission offset ratios for VOC and ammonia as PM_{2.5} precursors.

- Amend three terms in § 121.1 (relating to definitions) to support the amendments to Chapter 127, Subchapter E.

“Major Facility” and “Regulated NSR Pollutant

The EPA implementation rule defines a major facility as having the potential to emit:

100 tons per year (tpy) of emissions of VOC or ammonia, or both, in a moderate PM_{2.5} nonattainment area; and
70 tpy of VOC or ammonia emissions, or both, in a serious PM_{2.5} nonattainment area.

The existing definition of “major facility” specifies in subparagraph (i) that a facility that emits or has the potential to emit 100 tpy of a *regulated NSR pollutant* is a major facility, except as otherwise specified.

Amendments:

- The definition of “regulated NSR pollutant” would be amended to specify that in addition to SO₂, VOCs and ammonia are precursors to PM_{2.5} in all PM_{2.5} nonattainment areas.
- The definition of “major facility” would be amended to establish the emissions threshold of 70 tpy for PM_{2.5}, NO_x, SO₂, VOCs or ammonia in a PM_{2.5} serious nonattainment area.

“Significant”

This proposed rulemaking would amend the definition of “significant” to specify that emission rates of 40 tpy or greater of VOCs or of ammonia are significant for PM_{2.5}.

The basis of the established rate is as follows:

- For VOCs - the 40tpy emission rate is established by 40CFR 51.165(a)(1)(x)(A).
- For ammonia -
However, the EPA implementation rule did not include an emissions rate threshold for ammonia in a PM_{2.5} nonattainment area, leaving that up to the states. The South Coast Air Quality Management District Rule 1325 established an emissions rate threshold of 40 tpy for ammonia in a PM_{2.5} nonattainment area. To support this determination, SCAQMD stated in their Final Staff Report that their existing regulation had established threshold values for PM_{2.5} precursors nitrogen oxides and sulfur dioxide of 40 tons per year. Meanwhile, the EPA had also set the threshold for VOCs at 40tpy.

SCAQMD concluded that setting the ammonia significant threshold at 40 tpy was a conservative approach since on a regional basis, NOx emissions have a greater influence in the formation of secondary ambient PM2.5 than ammonia emissions.

In its proposed approval of the SCAQMD District Rule 1325 (83 FR 39012, August 8, 2018), EPA found in its evaluation of the definitions (Section II.B) that the revision of the definition of “Significant to include VOC and ammonia and specify a 40 tpy threshold was “approvable, as they are consistent with current applicable requirements for a serious PM2.5 nonattainment area.” It should be noted here that SCAQMD is a moderate nonattainment area for the 2012 PM2.5 standard.

ACHD believes that the considerations outlined by SCAQMD are applicable as well to the ACHD intention to establish the PM2.5 precursor threshold for ammonia at 40 tpy in Allegheny County. NOx emissions have a greater influence in the formation of secondary ambient PM2.5 than ammonia emissions, and Allegheny County is a moderate PM2.5 nonattainment area just as the SCAQMD’s jurisdiction is.

3. Documentation of Public Hearing and Certifications

- a. Notice of Public Hearing
- b. Transmittals of hearing notice to EPA & PA DEP
- c. Proof of publication of notice of hearing
- d. Certification of hearing
- e. Summary of Comments and responses
- f. Certification of approval and 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 **Thursday, December 13, 2018, at 10:00 AM**, on the first floor of Building #7 of the Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on proposed modifications to Allegheny County Health Department Article XXI, that will revise §2102.06, 'Major Sources Locating in or Impacting a Nonattainment Area,' and related §2101.20, 'Definitions' and corresponding sections of County Ordinance 16782.

The changes will be submitted as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan.

Copies of the proposed regulatory amendments may be examined beginning **Monday, November 12, 2018** at the Allegheny County Health Department Document Control 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 via the general link www.achd.net/air , or the more direct link <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Public-Comment-Notices.aspx> , or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8120 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 **Monday November 12, 2018**, and concluding **Tuesday, December 18, 2018 at 11:59PM:**

By mail to
Allegheny County Health Department
301 39th Street, Bldg #7
Pittsburgh, PA 15201-1811
By email to AQ.Comments@alleghenycounty.us
By Fax to 412-578-8144

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

November 13, 2018

Ms. Christina Fernandez, Director
Air Protection Division
Region III (3AP00)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Ms. Fernandez:

Enclosed is a Notice of Public Hearing for proposed revisions to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding Nonattainment New Source Review requirements in §2102.06, "Major Sources Locating In or Impacting a Nonattainment Area," and the related §2101.20, "Definitions."

These revisions will also be submitted as changes to Allegheny County's portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 90A. It can be accessed at <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Regulations-and-SIPs.aspx>.

The public comment period begins November 12, 2018 and concludes December 18, 2018 at 11:59PM. The public hearing will be held December 13, 2018. Your comments are welcome.

Sincerely,

Sandra Etzel, Manager
Planning and Data Analysis

cc: File

Enclosures

- Public Hearing Notice
- Proposed Article XXI/SIP Revision 90A

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

November 13, 2018

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

Dear Mr. Ramamurthy:

Enclosed is a Notice of Public Hearing for proposed revisions to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding Nonattainment New Source Review requirements in §2102.06, "Major Sources Locating In or Impacting a Nonattainment Area," and the related §2101.20, "Definitions."

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The public comment period begins November 12, 2018 and concludes December 18, 2018 at 11:59PM. The public hearing will be held December 13, 2018. Your comments are welcome.

Sincerely,

Sandra Etzel, Manager
Planning and Data Analysis Section

cc: Kirit Dalal, PADEP
Steve Hepler, PADEP

Enclosures

- Public Hearing Notice
- Proposed Article XXI/SIP Revision 90A

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:

12 of November, 2018

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.

K. Flaherty
PG Publishing Company

Sworn to and subscribed before me this day of:
November 12, 2018

Elizabeth R. Chmura

Commonwealth of Pennsylvania - Notary Seal
Elizabeth R. Chmura, Notary Public
Allegheny County
My commission expires February 8, 2022
Commission number 1326781
Member, Pennsylvania Association of Notaries

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NOV 14 2018

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PITTSBURGH PA 15219

To PG Publishing Company

Total ----- \$76.65

Publisher's Receipt for Advertising Costs

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

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2201 Sweeney Drive
CLINTON, PA 15026
Phone 412-263-1338

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

By _____

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

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 Thursday, December 13, 2018, at 10:00 AM, on the first floor of Building #7 of the Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on proposed modifications to Allegheny County Health Department Article XX, that will revise §2102.06, Major Sources Locating in or Impacting a Nonattainment Area, and related §2101.20, Definitions and corresponding sections of County Ordinance 16782.

The changes will be submitted as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan. Copies of the proposed regulatory amendments may be examined beginning Monday, November 12, 2018 at the Allegheny County Health Department Document Control 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 via the general link www.achd.net/air, or the more direct <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Public-Comment-Notices.aspx>, or by calling 412-578-8120 to request a mailed printed copy. Oral testimony must be pre-scheduled by calling 412-578-8120 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 Monday November 12, 2018, and concluding Tuesday, December 18, 2018 at 11:59PM.

By mail to Allegheny County Health Department 301 39th Street, Bldg #7 Pittsburgh, PA 15201-1811 By email to AQComments@alleghenycounty.us By Fax to 412-578-8144

Revision 90A

Article XXI

Section 2102.06, "Major Sources Locating In or Impacting a Nonattainment Area"
and
Section 2101.20, "Definitions"

Certification of Hearing

Thomas Lattner deposes and says that he is an Air Pollution Control Engineer in the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on December 13, 2018 on the proposed revisions to Article XXI, "Rules and Regulations of the Allegheny County Health Department for Air Pollution Control," and County Ordinance No. 16782 revising Sections §2102.06, "Major Sources Locating In or Impacting a Nonattainment Area," and §2101.20, "Definitions;"

that these changes are to be incorporated as a change to Allegheny County's Portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards;

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 November 12, 2018; and to the best of his knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

 12-19-2018
Thomas Lattner, Date
Air Pollution Control Engineer
Air Quality Program
Allegheny County Health Department

SUMMARY OF COMMENTS AND RESPONSES

for

Proposed SIP Revision 90A

Article XXI, Section 2102.06, Major Sources Locating In or Impacting A Nonattainment Area and Section 2101.20, Definitions

Public Comment Period: November 12 to December 18, 2018

Public Hearing: December 13, 2018

- 1. Comment:** The Department should require an enhanced offset ratio for major sources subject to permitting requirements under the Nonattainment New Source Review program. In the proposed amendments, the Department merely proposes to follow the past practice of imposing a 1:1 offset ratio, for both flue emissions and fugitive emissions, the same as the (existing) offset ratios in the PA DEP's regulations. Since the poor air quality in Allegheny County is on par with poor air quality in the San Joaquin Valley, the Department should consider the approaches that the latter has adopted. The San Joaquin Valley Air Pollution Control District has imposed an enhanced offset ratio of 1.5:1 for direct emissions of fine particulates where the offsets are obtained from a source that is more than 15 miles away from the facility triggering the need for the offset. Given the longstanding problem with attaining the standard for fine particulates, the Department should impose an enhanced offset ratio of 1.5:1 for fine particulates, to be incorporated into the state implementation plan.

Commenter: Joseph Minott, Esq. and Christopher Ahlers, Esq., Clean Air Council; on behalf of Clean Air Council, Communities First-Sewickley Valley, Rail Pollution Prevention Pittsburgh, Allegheny County Clean Air Now, and the Breathe Project.

Response: This regulation revision establishes emission offset ratios for VOC and ammonia as PM2.5 precursors. This regulation does not propose changing the existing offset ratio for direct PM2.5 found at 25 Pa. Code §127.210, which is incorporated by reference under Article XXI, §2102.06.

The offset ratio for sources of particulates in this area has rarely been implemented. Sources in Allegheny County requiring installation permits tend to stay under the tonnage limit requiring an emission offset. An increased offset ratio would have no effect on the timeline to bring the County into attainment.

2. **Comment:** Allegheny County, an area designated as nonattainment for the 2012 PM2.5 NAAQS, effective April 15, 2015, was required to submit a Moderate area attainment plan to EPA no later than October 15, 2016. The County has still not met this deadline despite it being two years past the due date. Allegheny County has ended up on a list that was published in the Federal Register on April 6, 2018 entitled, “Findings of Failure to Submit State Implementation Plan Submissions for the 2012 Fine Particulate Matter National Ambient Air Quality Standards.” Because ACHD has failed to act to protect residents by not completing its required portion of the SIP for PM2.5, our County is at risk of being sanctioned by the EPA. How can we trust the ACHD to protect our health when it appears that they do not take seriously the deadlines to update required Clean Air Act fundamental documents? ”

Commenter: Matthew Mehalik, Ph.D., Executive Director, Breathe Project. A similar comment was made by Clean Air Council.

Response: This comment is not germane to this proposed regulation change.

The Health Department acknowledges the existence of the “Finding of Failure to Submit” and the sanctions clock. The ACHD has worked, and continues to work, in a diligent and dedicated manner to prepare the necessary analyses, calculations, and documents necessary to be submitted in the attainment demonstration SIP for the PM2.5 NAAQS.

This regulation revision, which will be submitted as a revision to the County’s portion of the Pennsylvania SIP, will address the requirement to revise the ACHD’s NNSR regulation.

3. **Comment:** Under newly added §2102.06.a.2.C, it is not clear that the definition of “Major facility” being referred to is found in 25 Pa. Code §121.1. The reader could come to the erroneous conclusion that the definition of “Major Facility” is in Article XXI, §2101.20, “Definitions,” and that is not the case. The same comment applies to the newly added §2102.06.b.2.G, §2102.06.b.3.B.3 and §2102.06.g.4.

Commenter: ACHD.

Response: The newly added §2102.06.a.2.C has been clarified. The same clarifications were made at the newly added §2102.06.b.2.G, §2102.06.b.3.B.3 and §2102.06.g.4.

As presented to public comment:

C. Subparagraph (i) of the definition of “Major facility” shall include the following subparagraphs:

- “(G) Seventy TPY of PM2.5 in a serious nonattainment area for PM2.5.**
- (H) Seventy TPY of NOx in a serious nonattainment area for PM2.5.**
- (I) Seventy TPY of SO2 in a serious nonattainment area for PM2.5.**
- (J) Seventy TPY of VOCs in a serious nonattainment area for PM2.5.**
- (K) Seventy TPY of ammonia in a serious nonattainment area for PM2.5.”**

As modified for the sake of clarification for final approval:

C. At Subparagraph (i) under the definition of “Major Facility,” found at 25 Pa. Code §121.1, the following additional “lower emissions thresholds” shall apply:

- “1. Seventy TPY of PM2.5 in a serious nonattainment area for PM2.5.**
- 2. Seventy TPY of NOx in a serious nonattainment area for PM2.5.**
- 3. Seventy TPY of SO2 in a serious nonattainment area for PM2.5.**
- 4. Seventy TPY of VOCs in a serious nonattainment area for PM2.5.**
- 5. Seventy TPY of ammonia in a serious nonattainment area for PM2.5.”**

Similar changes are made at the newly added §2102.06.b.2.G, §2102.06.b.3.B.3 and §2102.06.g.4.

CERTIFICATION of APPROVAL and ADOPTION

To the best of my knowledge, information, and belief, I the undersigned hereby certify that the amendments revising §§ 2102.06 and 2101.20 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, and the corresponding sections of Chapter 505 of the Allegheny County Code of Ordinances, adopted by the Allegheny County Board of Health on January 9, 2019, ratified by the Allegheny County Council on February 19, 2019 (Ordinance 03-19-OR), approved by the Allegheny County Chief Executive on February 21, 2019, and effective March 3, 2019, 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, were duly and properly enacted as prescribed by the Local Health Administration Law and the Allegheny County Home Rule Charter, 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.



Jeffrey Bailey, Esq.
Assistant Solicitor
Allegheny County Health Department

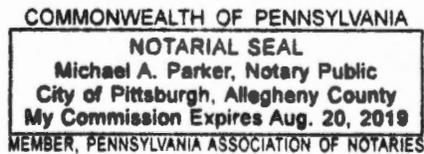
COMMONWEALTH OF PENNSYLVANIA

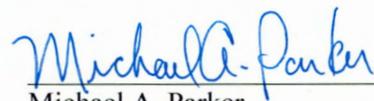
COUNTY OF ALLEGHENY

On the 6TH day of MARCH, 2019,

Jeffrey R. Bailey 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 6TH day of MARCH, 2019.





Michael A. Parker
Notary Public
Allegheny County Health Department