

**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. 93

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

§2104.10, Commercial Fuel Oil

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1. Revision

Deletions are shown with strikethroughs.
 Additions are shown in **larger font, bolded, and underlined.**

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§2104.10 COMMERCIAL FUEL OIL *{This section added by 11/28/2017 amendment, effective 12/08/2017. Subsections a and d amended 7/16/2020, effective 7/26/2020.}*

Fuel-burning or combustion equipment must conform with the following:

- a. **Commercial Fuel Oil.** Except as specified in Paragraphs 1 and 2, a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in Allegheny County, if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

***Maximum Allowable Sulfur Content
 Expressed as Parts per Million (ppm) by Weight or Percentage by Weight***

Grades Commercial Fuel Oil (Consistent with ASTM D396)

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<u>Through August 31, 2020</u>	<u>Beginning September 1, 2020</u>
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No. 2 and lighter oil	500 ppm	(0.05%)	<u>15 ppm</u>	<u>(0.0015%)</u>
No. 4 oil	2,500 ppm	(0.25%)	2500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)	5000 ppm	(0.5%)

1. Commercial fuel oil that was stored in Allegheny County by the ultimate consumer prior to ~~July 1, 2016~~ **September 1, 2020**, which met the applicable maximum allowable sulfur content **through August 31, 2020**, at the time it was stored, may be used by the ultimate consumer **on and after September 1, 2020**.
2. The applicable maximum allowable sulfur content for a commercial fuel oil set forth in Subsection a may temporarily be suspended or increased if the Pennsylvania Department of Environmental Protection (DEP) has acted to do so in accordance with 25 Pa. Code §§123.22(d)(2)(iii & iv) and (h), regarding the Allegheny County air basin.

d. **Recordkeeping and reporting.**

1. Beginning with the refinery owner or operator who sells or transfers commercial fuel oil into or within Allegheny County for use in Allegheny County and ending with the ultimate consumer, each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands, the transferor shall provide to the transferee an electronic or paper record described in this paragraph. This record must legibly and conspicuously contain the following information:

- A. The date of the sale or transfer.
- B. The name and address of the transferor.
- C. The name and address of the transferee.
- D. The volume of commercial fuel oil being sold or transferred.
- E. The identification of the sulfur content of the shipment of commercial fuel oil, determined using the sampling and testing methods specified in Paragraph c.1, expressed as one of the following statements:

- i. For a shipment of No. 2 and lighter commercial fuel oil:
 - (a) **Prior to September 1, 2020 -** “The sulfur content of this shipment is 500 ppm or below.”
 - (b) **On and after September 1, 2020 – “The sulfur content of this shipment is 15 ppm or below.”**
- i. For a shipment of No. 4 commercial fuel oil, “The sulfur content of this shipment is 2,500 ppm or below.”
- ii. For a shipment of No. 5, No. 6 and heavier commercial fuel oil, “The sulfur content of this shipment is 5,000 ppm or below.”

F. The location of the commercial fuel oil at the time of transfer.

G. Except for a transfer to a truck carrier, an owner or operator of a retail outlet or an ultimate consumer, the transferor may substitute the information required under Subparagraphs A - F with the use of a product code if the following are met:

- i. The product code includes the information required under Subparagraphs A – F.
- ii. The product code is standardized throughout the distribution system in which it is used.
- iii. Each downstream party is given sufficient information to know the full meaning of the product code.

End of Regulation Changes

2. Technical Support Document

The 1977 Clean Air Act (CAA) Amendments declared a national goal to prevent future visibility impairment and remedy existing impairment in national parks, wilderness areas and wildlife refuges (“Class I areas”). The goal is to reach natural visibility conditions by 2064.

The U.S. Environmental Protection Agency (EPA) promulgated its Regional Haze Rule in 1999, which called for states, tribes and federal agencies to work together to improve visibility in the 156 Class I areas.

The Mid-Atlantic/Northeast Visibility Union (MANE-VU) was established in 2001 to help the Northeast states plan for meeting regional haze requirements. Pennsylvania is part of MANE-VU.

The predominant cause of haze pollution in the MANE-VU region is sulfate particles, which are formed from sulfur dioxide (SO₂) emissions during fuel combustion. MANE-VU states evaluated several categories for potential sulfur reductions and in 2007 adopted a formal statement agreeing to pursue a regional low-sulfur fuel oil strategy, among other means, as appropriate and necessary.

In 2013, the Pennsylvania Environmental Quality Board (Board) amended 25 Pa. Code § 123.22 (relating to combustion units) to reduce the maximum allowable sulfur content limits in No. 2 and lighter fuel oils used in residential and commercial combustion units, beginning July 1, 2016. Due to supply concerns at the time, the Board only reduced the maximum allowable sulfur content limit for No. 2 and lighter fuel oil (distillate fuel oil) to 500 parts per million (ppm), not 15 ppm. See 43 Pa.B. 806 (February 9, 2013). Now, however, the supply of distillate fuel oil on the east coast and nationwide with 15 ppm or less sulfur content is no longer a concern.

In 2017, MANE-VU adopted a formal statement which noted that to meet reasonable progress goals, each state that has not fully adopted the maximum allowable sulfur content limit of 15 ppm for No. 2 and lighter fuel oil should pursue this standard as expeditiously as possible and before 2028. The Board amended 25 Pa. Code § 123.22 on July 25, 2020, to reduce the maximum allowable sulfur content limit of No. 2 and lighter fuel oil from 500 ppm to 15 ppm. See 50 Pa.B. 3714 (July 25, 2020). The City of Philadelphia adopted the maximum allowable sulfur content limit of 15 ppm in 2014.

To address the 2017 MANE-VU statement and to promote statewide consistency for home heating and commercial fuel oils, ACHD amended Article XXI, §2104.10, “Commercial Fuel Oil” to reduce the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil sulfur from 500 ppm to 15 ppm. The maximum allowable sulfur content limit of 15 ppm is also consistent with the level that is required in highway, nonroad, locomotive and marine transportation diesel fuels.

These regulatory amendments are applicable to anyone who offers for sale, delivers for use, exchanges in trade or permits the use of No. 2 and lighter commercial fuel oil in Allegheny County. Owners and operators of refineries, terminals and retail outlets that produce, convey, store or sell commercial fuel oils; distributors, carriers, boiler owners; and anyone who uses No. 2 and lighter commercial fuel oil in the County are affected.

Limited changes are made:

- Sulfur content limit – No. 2 and lighter fuel oil limit is reduced from 500 ppm (0.05%) to 15 ppm (0.0015%);
- The recordkeeping requirements for a shipment of No. 2 and lighter commercial fuel oil are revised to require that the record state: “The sulfur content of this shipment is 15 ppm or below.”

The environmental and health benefits of lowering the sulfur content in fuel are reduced emissions of sulfur dioxide (SO₂) and fine particulate matter (PM_{2.5}), which will decrease regional haze and improve visibility, and decreased incidences of adverse health effects from PM_{2.5} exposure, such as respiratory and cardiovascular disease.

With this regulation revision, ACHD promulgated maximum allowable sulfur content limits that are consistent with those contained in 25 Pa. Code § 123.22. The revision to §2104.10, “Commercial Fuel Oil” enables the ACHD Air Program to enforce the new sulfur content limit of 15 ppm within Allegheny County and allows for statewide consistency.

These amendments are being submitted to the EPA as a revision to the Allegheny County portion of the Pennsylvania SIP.

3. Documentation of Public Hearing and Certifications
 - a. Public hearing notice
 - 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
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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, June 3, 2019**, at **10:00 AM**, in the First Floor Conference Room at 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 §2104.10, 'Commercial Fuel Oil,' and the corresponding section of County Ordinance 16782.

All 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 Friday, May 3, 2019 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: www.achd.net; or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8120 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 **Friday May 3, 2019**, and concluding **Monday, June 3, 2019 at 11:59 PM**:

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

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

May 3, 2019

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 revising §2104.10, Commercial Fuel Oil, such that the sulfur limit for No. 2 fuel oil is reduced from 500ppm to 15ppm.

These revisions will also be submitted as changes to Allegheny County's portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 93.

The public comment period begins May 3, 2019 and concludes June 3, 2019 at 11:59pm. The public hearing will be held June 3, 2019. Your comments are welcome.

Sincerely,

Sandra Etzel, Section Head
Planning & Data Analysis

Enclosures

- Public Hearing Notice
- Proposed Article XXI/SIP Revision 93

ALLEGHENY COUNTY HEALTH DEPARTMENT • AIR QUALITY PROGRAM
301 39TH STREET BUILDING #7 • PITTSBURGH, PA 15201-1811
PHONE (412) 578-8103 • FAX (412) 578-8144



May 3, 2019

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 revising §2104.10, Commercial Fuel Oil, such that the sulfur limit for No. 2 fuel oil is reduced from 500ppm to 15ppm.

These revisions will also be submitted as changes to Allegheny County's portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 93.

The public comment period begins May 3, 2019 and concludes June 3, 2019 at 11:59pm. The public hearing will be held June 3, 2019. Your comments are welcome.

Sincerely,

Sandra Etzel, Section Head
Planning & Data Analysis

cc: Jayme Graham (ACHD)
Kirit Dalal
Steve Hepler

Enclosures

- Public Hearing Notice
- Proposed Article XXI/SIP Revision 93

ALLEGHENY COUNTY HEALTH DEPARTMENT • AIR QUALITY PROGRAM
301 39TH STREET BUILDING #7 • PITTSBURGH, PA 15201-1811
PHONE (412) 5768103 • FAX (412) 5768144

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. Hahery, 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 1995 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 1980 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:

03 of May, 2019

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.


PG Publishing Company
Sworn to and subscribed before me this day of:
May 03, 2019



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

STATEMENT OF ADVERTISING COSTS
ALLEGHENY CO HEALTH DEPT-LEGAL
542 4TH AVENUE
PITTSBURGH PA 15219

To PG Publishing Company

Total \$68.25

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.

Office
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.

Attorney For

COPY OF NOTICE OR PUBLICATION

NOTICE OF PUBLIC HEARING FOR PROPOSED AMENDMENTS TO ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS ARTICLE XX AIR POLLUTION CONTROL
The Allegheny County Board of Health will hold a public hearing on Monday, May 3, 2019, at 10:00 AM in the First Floor Conference Room at Building #1 of the Cook-Heist Center, 301 2nd Street, Pittsburgh, PA 15201 in the Auditorium in proposed modifications to Allegheny County Health Department Article XX, that will revise §104.10, Commercial Fuel Oil and the corresponding section of County Ordinance 7670.
All the changes will be submitted as a resolution to Allegheny County Board of Health in the Pennsylvania State Implementation Plan.
Copies of the proposed regulatory amendments may be examined beginning Friday, May 3, 2019 at the Allegheny County Health Department document control room, Cook-Heist Building 7, Cook-Heist Center, 301 2nd Street, 10:00 AM and 3:30 PM Monday thru Friday on the Allegheny County Health Department web site: www.ahehd.net, or by calling 412-326-6725 to request a mailed photocopy.
All interested parties must be pre-registered by calling 412-326-6725 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 hearing will occur without adjournment beginning Friday, May 3, 2019 and concluding Monday, May 3, 2019 at 11:30 AM.
By mail to Allegheny County Health Department 301 2nd Street, Bldg #7 Pittsburgh, PA 15201-3011
By email to apartments@ahehd.net 412-326-6725

Revision 93

Article XXI
Section 2104.10, "Commercial Fuel Oil"

Certification of Hearing

Shaun Vozar 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 June 3, 2019 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 §2104.10, "Commercial Fuel Oil;"

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 May 3, 2019; 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.

Shaun Vozar 7/23/19
Shaun Vozar, Date
Air Pollution Control Engineer
Air Quality Program
Allegheny County Health Department

SUMMARY OF COMMENTS AND RESPONSES

for

Proposed SIP Revision 93

Article XXI, §2104.10, Commercial Fuel Oil

Public Comment Period: May 3 to June 3, 2019

Public Hearing: June 3, 2019

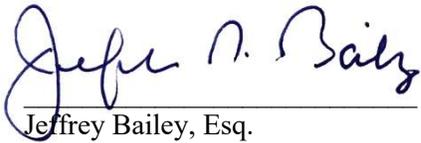
No comments were received during the public comment period.

However, because the State of Pennsylvania's public comment period ended after ACHD's comment period, on September 9, 2019, and because the State revised their language regarding the starting date such that the State established a hard start date, ACHD revised its language accordingly.

Thus, the Article XXI revision establishes September 1, 2020 as the compliance date, and August 31, 2020 as the sell through date, just as the State regulation has established.

CERTIFICATION of APPROVAL and ADOPTION

To the best of my knowledge, information, and belief, I the undersigned hereby certify that the amendments revising § 2104.10 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, adopted by the Allegheny County Board of Health on January 10, 2020, ratified by the Allegheny County Council on July 14, 2020 (Ordinance 18-20-OR), approved by the Allegheny County Chief Executive on July 16, 2020, and effective July 26, 2020, 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