

No. 13-21-OR

## AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying amendments to §2102.10, “Installation Permit Application and Administration Fees,” §2103.40, “Administration Fees,” and other sections regarding air program fees, of the Allegheny County Health Department Rules and Regulations, Article XXI, “Air Pollution Control”.

**Whereas**, Allegheny County, pursuant to the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12001 – 12028, created the Allegheny County Health Department, and the Allegheny County Board of Health; and

**Whereas**, the Allegheny County Health Department regulates air quality under authority granted to it via the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 4001 – 4106, and its implementing regulations; and

**Whereas**, Section 12011 of the Local Health Administration Law provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

**Whereas**, on May 13, 2020, and again on March 3, 2021, during its regularly scheduled public meetings, the Allegheny County Board of Health adopted by affirmative vote the attached amendments to Section 2102.10, “Installation Permit Application and Administration Fees,” §2103.40, “Administration Fees,” and other sections regarding air program fees, of the Allegheny County Health Department Rules and Regulations, Article XXI, “Air Pollution Control;” and

**Whereas**, it is the desire of Council to ratify the Allegheny County Health Department regulation amendments as approved by the Board of Health.

***The Council of the County of Allegheny hereby resolves as follows:***

***SECTION 1.           Incorporation of Preamble.***

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

***SECTION 2.           Ratification of Regulations.***

Acting pursuant to the Pennsylvania Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the amendments to the Allegheny

County Health Department Rules and Regulations, Article XXI, "Air Pollution Control", attached hereto as Exhibit "A."

***SECTION 3.           Severability.***

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

***SECTION 4.           Repealer.***

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.


Enacted in Council, this 14<sup>th</sup> day of September, 2021.

Council Agenda No. 11586-21.

  
\_\_\_\_\_  
Patrick Catena  
President of Council

Attest:   
\_\_\_\_\_  
Jared Barker  
Chief Clerk of Council

Chief Executive Office September 15<sup>th</sup>, 2021

Approved:   
\_\_\_\_\_  
Rich Fitzgerald  
Chief Executive

Attest:   
\_\_\_\_\_  
Jennifer M. Liptak  
Chief of Staff

## **LEGISLATIVE SUMMARY**

The Allegheny County Health Department (ACHD) Air Quality Program is proposing to amend its regulations to be consistent with the Pennsylvania Department of Environmental Protection (DEP) fee structure. The proposed Article XXI amendments include replacing the annual operating permit administration fee with an annual operating permit maintenance fee and allow the Board of Health to set fee amounts for plantwide applicability limits (PAL), risk assessments, and for requests for determinations. The proposed Article XXI regulations would also allow the ACHD to establish fees for the use of general installation permits and general operating permits.

**M E M O R A N D U M**  
**OFFICE OF THE COUNTY MANAGER**

TO: Jared E. Barker  
Allegheny County Council

FROM: William D. McKain CPA  
County Manager

DATE: August 26, 2021

RE: Proposed Ordinance

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Attached is an Ordinance of the Council of the County of Allegheny ratifying amendments to §2102.10, "Installation Permit Application and Administration Fees," §2103.40, "Administration Fees," and other sections regarding air program fees, of the Allegheny County Health Department Rules and Regulations, Article XXI, "Air Pollution Control".

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.

# **EXHIBIT “A”**

## **PROPOSED REVISION**

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

#### **Sections Related to Air Quality Permit Fees:**

§2101.20, “Definitions”

§2102.03, “Permits Generally”

§2102.04, “Installation Permits”

§2102.10, “Installation Permit Application and Administration Fees”

§2103.10, “Applicability, Prohibitions, Records”

§2103.11, “Applications”

§2103.13, “Expiration, Renewals, Reactivations”

§2103.14, “Revisions, Amendments, Modifications”

§2103.22, “Issuance, Standard Conditions”

§2103.40, “Administration Fees”

§2103.41, “Emissions Fees”

§2105.51, “Abrasive Blasting”

§2105.62, “Asbestos Abatement Applicability, Federal Requirements, Notices, And Permits”

§2109.07.b, “Penalties, Fines, And Interest - Disposition of Monies Collected”

§2109.08.e, “Allegheny County Air Pollution Control Fund & Air Quality Fund ”

(Note: Portions of this proposed revision will also be submitted to the Pennsylvania DEP and U.S. EPA as a revision to Allegheny County’s portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards, or as a revision to the Allegheny County Title V Program. Revision Tracking No. 92.)

## Proposed Article XXI Revisions – Permit Fee Related Regulations

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

**§2101.20 DEFINITIONS** {unless specifically indicated, all definitions effective October 20, 1995}

...

“**Surface coating process**” means the application and solidification of a coating onto or into a substrate as the substrate proceeds through the equipment and activities of the manufacturing process. *{modified July 10, 2003}*

**“Synthetic minor source” means an air contamination source subject to Federally enforceable conditions limiting the source’s potential to emit to less than the major source thresholds specified in the definition of “major source.” {effective mm/dd/year} {Amended mm/dd/2021, effective mm/dd/2021.}**

“**Tank car**” means a rail car which is used for transporting liquids in bulk and in an unpackaged form.

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### §2102.03 PERMITS GENERALLY

*{Paragraph a.1 & d.2 & Subsections i & j amended, and k & l added September 6, 1995, effective October 20, 1995. Subsections e, j and l amended mm/dd/2021, effective mm/dd/2021.}*

...

- e. **Transfers.** Permits issued pursuant to this Part or Part C of this Article shall not be transferable from one person to another, except in accordance with the requirements of this Part or Part C in cases of change-in-ownership which are documented to the satisfaction of the Department, and shall be valid only for the specific sources and equipment for which they were issued. The transfer of permits in the case of change-in-ownership shall also require the submission to the Bureau of a Permit Transfer application fee in the amount **set by the Board of Health and approved by Allegheny County Council** of 25% of the total of all applicable annual permit application/administration fees required for said permits by this Part or Part C of this Article, but not less than \$50 per permit, and in the case of an Operating Permit a compliance certification in accordance with §2103.11.b.9 of this Article, and in the case of a Major Source a compliance certification in accordance with §2102.06.b.2 of this Article. The required documentation and fee must be received by the Bureau at least 30 days before the intended transfer date.

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- j. **General Permits.**
1. Except as otherwise provided under this Subsection, the General Plan Approvals and Operating Permits requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.611 through 127.622 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
  2. For purposes of this Article:
    - A. 25 Pa. Code §127.612(a) shall only require the publication of the required notice in the Pennsylvania Bulletin and one newspaper of general circulation in the County;
    - B. 25 Pa. Code §127.612(c) shall only require that comments be retained for a period of five (5) years following final action on a proposed permit; and



C. 25 Pa. Code §127.621(b) shall also allow delivery or transmittal of applications by regular U.S. mail or any other generally accepted manner of delivery or transmittal.

**D. An applicant for a General Installation Permit shall pay a fee in accordance with §2102.10. An applicant for a General Operating Permit shall pay a fee in accordance with §2103.40.**

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**I. Temporary Sources at Multiple Locations.**

1. Except as otherwise provided under this Subsection, the requirements for Plan Approvals and Operating Permits for Sources Operating at Multiple Temporary Locations promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.631 through 127.642 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

2. For purposes of this Article:

A. 25 Pa. Code §127.632(a) shall only require the publication of the required notice in the Pennsylvania Bulletin and one newspaper of general circulation in the County;

B. 25 Pa. Code §127.632(c) shall only require that comments be retained for a period of five (5) years following final action on a proposed permit; and

C. 25 Pa. Code §127.641(c) shall also allow delivery or transmittal of applications by regular U.S. mail or any other generally accepted manner of delivery or transmittal.

**D. An applicant for a General Installation Permit for Sources Operating at Multiple Temporary Locations shall pay a fee in accordance with §2102.10. An applicant for an Operating Permit for a Source Operating at Multiple Temporary Locations shall pay a fee in accordance with §2103.40.**

#### §2102.04 INSTALLATION PERMITS

*{Paragraph a.5 deleted, Paragraphs b.11 & h.2 and Subsection j added, and Subparagraph a.1.B & Subsections g, h, & i amended September 6, 1995, effective October 20, 1995. Subparagraphs a.1.C and new paragraph a.5 added December 12, 2000, effective January 12, 2001. Subsection k added effective April 28, 2004. Subsection g amended March 23, 2012, effective April 3, 2012. Subsection g amended mm/dd/2021, effective mm/dd/2021.}*

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- g. **Term.** An Installation Permit shall expire in 18 months if construction has not commenced within such period or shall expire 18 months after such construction has been suspended, if construction is not resumed within such period. Installation Permits shall authorize temporary operation to facilitate shakedown of sources and air cleaning devices, to permit operations pending issuance of a related subsequent Operating Permit, or to permit the evaluation of the air contamination aspects of the source. Such temporary operation period shall be valid for a limited time, not to exceed 180 days, but may be extended for additional limited periods, each not to exceed 120 days, except that no temporary operation shall be authorized or extended which may circumvent the requirements of this Article.

For major sources, if the construction, modification or installation is not commenced within 18 months of the issuance of an installation permit or if there is more than an 18-month lapse in construction, modification, or installation, a new installation permit application shall be submitted. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. **An applicant for an extension of an installation permit shall pay a fee in the amount set by the Board of Health and approved by Allegheny County Council. The fee for an extension of an installation permit will not apply if, through no fault of the applicant, an extension is required.**

## §2102.10 INSTALLATION PERMIT APPLICATION AND ADMINISTRATION FEES

*{Paragraphs b & d amended August 12, 1999, effective September 1, 1999. Paragraphs b, c, and d revised and paragraph f added by July 16, 2009 amendment, effective July 26, 2009. Amended mm/dd/2021, effective mm/dd/2021.}*

- a. **Installation Permit Application Fee.** On the date that an application for an Installation Permit is submitted under this Part the owner or operator of such source shall submit to the Department, in addition to all other applicable emission and administration fees, an Installation Permit Application Fee in an amount determined under, and in accordance with, the requirements of this Section.
- b. **Amount of Application Fees.** A schedule of the amounts of the application fees required by this Part for Installation Permit Application fees shall be set by the Board of Health. **The applicable fees required under this subsection are cumulative.** Consideration shall be given to the degree of technical and regulatory difficulty in establishing fees for the following categories of installation permits:
  - 1. For any source requiring an Installation Permit under this Part.**
  - ~~2.~~ For any source requiring a Prevention of Significant Deterioration (PSD) permit under this Article.
  - ~~23.~~ For any source requiring an Installation Permit under this Section which requires the Department to establish a MACT standard for such source; ~~but not subject to Paragraph 1 above.~~
  - ~~34.~~ For any source requiring an Installation Permit under this Section and subject to §2102.06 above involving new major sources and major modifications locating in or impacting a non-attainment area, ~~but not subject to Paragraph 1 or 2 above.~~
  - ~~45.~~ For any source requiring an Installation Permit under this Section and subject to an existing NSPS, NESHAP, or MACT standard **standards. The owner or operator of such source shall pay a fee set by the Board of Health for each applicable standard up to and including three applicable standards per Installation Permit application. Applicants that have more than three applicable standards shall pay the fee for a maximum of three standards. The Department's permitting review will include all applicable standards.**

- 6. For any source requiring an Installation Permit under this Section for a Plantwide Applicability Limit permit under 25 Pa. Code §127.218(b) (relating to PALs), to cease a PAL permit under 25 Pa. Code 127.218(j) or to increase a PAL under 25 Pa. Code §127.218(l).**
- 7. For any source proposing a PAL under §2102.07, “Prevention of Significant Deterioration,” that is not included in an application submitted under Paragraph 2 or Paragraph 6, above.**
5. For any source requiring an Installation Permit under this Section but not subject to either Paragraph 1, 2, 3, or 4 above, and for all applications to use general installation permits:
- ~~c. **Annual Installation Permit Administration Fee.** No later than 30 days after the date that an application for an Installation Permit is approved under this Part, and on or before the last day of the month in which such permit application was approved in each year thereafter, during the term of such permit until a subsequent corresponding Operating Permit or amended Operating Permit is properly applied for, the owner or operator of such source shall pay to the Department, in addition to all other applicable fees, an Annual Installation Permit Administration Fee in an amount set by the Board of Health.~~
- dc. Minor Modifications of an Installation Permit.** Modifications to Installation Permits may be applied for but only upon submission of an application with a fee paid and where:
1. No reassessment of any control technology determination is required; and
  2. No reassessment of any ambient air quality impact is required;
  - 3. There is no increase in emissions; and**
  - 4. The applicable requirements of §2102.04.j, “Miscellaneous Notice Requirements,” are met.**

The fee amount shall be set by the Board of Health.

**d. Modifications of an Installation Permit Application. The owner or operator of a source proposing a revision to an Installation Permit application submitted by the applicant that includes one or more of the following changes after the Department has completed its technical review shall pay the fee in Paragraph 1 or Paragraph 2 as applicable.**

**1. For a reassessment of a control technology determination, the applicable fee set by the Board of Health under Paragraph b.1, above.**

**2. For an analysis of the ambient impacts of the source, a fee in the amount set by the Board of Health.**

**e. Risk assessment. Each applicant for a risk assessment shall, as part of the installation permit application, submit an application fee for either:**

**1. A risk assessment that considers inhalation only for all modeling; or**

**2. A multi-path risk assessment.**

**The application fees required by this subsection shall be set by the board of health.**

**f. Request for Determination. The owner or operator of a source subject to this Section that submits a request for determination under §2102.04.a.5 (relating to exemptions) for an installation permit, an operating permit or both an installation permit and an operating permit, shall pay a fee in the amount set by the Board of Health. The Board of Health shall set a reduced fee for an owner or operator of a source that meets the definition of small business stationary source set forth in Section 3 of the Air Pollution Control Act (35 P.S. §4003).**

**g. Fees for the use of General Installation Permits under §2102.03.j and §2102.03.l. The Department may establish application fees for the use of General Installation Permits for stationary sources**

**or Sources Operating at Multiple Temporary Locations (portable sources). These application fees will be established and published when the General Installation Permit is issued or modified by the Department.**

- eh.** **Payment of Fees.** **Payment of the required fees under Paragraphs a through d of this Section and under §2102.03.e and §2102.04.g for a source that requires a major operating permit shall be made by check or money order payable to the “Allegheny County Air Quality Fund.”** Payment of **all other** required fees under this Part **by all other sources** shall be made by check or money order payable to the “Allegheny County Air Pollution Control Fund.”
- fi.** **Approval of Fees.** Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.

## SUBPART 1 - OPERATING PERMITS (All Major & Minor Permits)

### **§2103.10 APPLICABILITY, PROHIBITIONS, RECORDS**

*{Paragraphs b.1, 6, 9, 10, & 12 and c.2, & Subparagraph c.2.B amended September 6, 1995, effective October 20, 1995, Subparagraph c.2.C modified January 22, 1998, effective March 31, 1998. Subsection b 'Exemptions' deleted December 12, 2000, effective January 12, 2001. Paragraph b.2.c amended mm/dd/2021, effective mm/dd/2021.}*

...

#### **b. Prohibitions.**

1. **Prohibition of Operating Without a Permit.** Except as otherwise expressly provided under this Subpart, no source subject to this Subpart may be operated, or allowed to operate, after the time a complete Operating Permit application for such source is required to be submitted under this Part, except in compliance with an Operating Permit issued under this Subpart.
2. **Exception.** If a timely and complete application for an Operating Permit or renewal or modification of an Operating Permit is submitted for a source under this Subpart, and through no fault of the applicant such permit has not yet been issued, the failure of such source to have a permit under this Subpart is not a violation of this Article until the Department takes final action on the permit application, but only if during the period in which the Department is reviewing the application for such permit:
  - A. Any and all required Installation Permits have been issued for such source or equipment pursuant to this Article, and in the case of a source subject to Subpart 2 of this Part such Installation Permits have been subject to public review under §2102.04.h or §2102.05 of this Article and are federally enforceable;
  - B. The source or equipment is being operated in compliance with §2102.04.g above and all terms and conditions contained in any required Installation Permits;
  - C. The source or equipment is being operated in compliance with all terms and conditions contained in the Operating Permits last issued to the source and the fees have been paid as required by **Subsection 2103.11.c and** Section 2103.40 of this Article.

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## §2103.11 APPLICATIONS

*{Paragraph a.2 & Subsections b, d, e, f, & g amended & h added September 6, 1995, effective October 20, 1995.  
Subsections a & c amended mm/dd/2021, effective mm/dd/2021.}*

a. **Generally.**

1. The submittal of a complete application under this Subpart shall not affect any other requirements that any source has under this Article.
2. Except for major sources, where a source only requires one permit, multiple permits, each for a portion of the source, may be applied for, but only where the issuance of such multiple permits is determined by the Department to be in the best interest of administratively efficient and effective permitting and regulatory enforcement of the source. Such separate permits can not, however, act to change any of the applicable requirements for the source or any of the applicable emission fees. In addition, all of the separate permits will each require the same **applicable** administrative fees **and maintenance fees** as the one permit would have required.

...

- c. **Annual Operating Permit Application/Administration Fee and Additional Annual Operating Permit Fees.** On the date that an application for an Operating Permit is submitted under this Subpart, **the owner or operator of such source shall submit to the Department an operating permit application fee in amounts determined under, and in accordance with, the requirements of §2103.40.** ~~and on or before the last day of the month in which such application was submitted in each year thereafter.~~ **W**hile such application is being reviewed and then during the term of any permit subsequently issued, the owner or operator of such source shall submit to the Department, in addition to all applicable emission fees, all applicable **annual operating permit** administration **or annual operating permit maintenance** fees in amounts determined under, and in accordance with, the requirements of Subpart 4 of this Part.



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**§2103.13 EXPIRATION, RENEWALS, REACTIVATIONS** {Subsections b and d amended mm/dd/2021, effective mm/dd/2021.}

- a. **Expiration.** Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with the requirements of this Subpart.
  
- b. **Renewals.**
  - 1. The owner or operator of a source permitted under this Part shall submit to the Department an application for permit renewal at least six (6) months prior to the date of permit expiration, but no earlier than 18 months prior to the date of permit expiration.
  
  - 2. Permits being renewed are subject to the same fees, standards, and requirements that apply to an initial permit issuance. **Permits being renewed are subject to the fees required by Section 2103.40 of this Article.**

- ...
- d. **Existing Source Reactivations.** During the term of a permit under this Part, a permittee shall not reactivate any source under the permit that has been out of operation or production for a period of one year or more unless the permittee has submitted a reactivation plan request to, and received a written reactivation plan approval from, the Department.
    - 1. A reactivation plan request may only be submitted during the term of the applicable operating permit and must be either:
      - A. If the source is reactivated within five (5) years after deactivation, accompanied by the submission to the Department of a Reactivation Plan Request fee in the amount of 25% of the ~~annual~~ **operating permit** application/~~permit administration~~ fees required for said permit by this Part, ~~but not less than \$50 per permit~~; or
  
      - B. If the source is reactivated more than five (5) years after deactivation, accompanied by the submission to the Department of the applicable Installation Permit application fee required by §2102.10.b of this Article; or
  
      - C. Submitted as part of another application for the same source under Part B or Part C of this Article.

**§2103.14 REVISIONS, AMENDMENTS, MODIFICATIONS**

*{Subparagraphs a.1.A, B, & D, b.1.D & E, Paragraphs b.2 & 4, and Subsection c amended, Subparagraph b.1.F deleted, & Paragraphs b.6 & 7 and Subsection e added September 6, 1995, effective October 20, 1995. Paragraphs c.1, 3, 4 & 6 and e.5 amended December 12, 2000, effective January 12, 2001. Subsections b and d amended mm/dd/2021, effective mm/dd/2021.}*

...

- b. **Administrative Permit Amendment Procedures.** An administrative permit amendment may be made by the Department consistent with the following:

...

- 3. Applications for administrative permit amendments must be accompanied by the submission to the Department of Administrative Permit Amendment application fees in the amount **set by the Board of Health** of 25% of the annual application/permit administration fees required for said permits by this Part, but not less than \$50 per permit. **Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.**

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- d. **Significant Modification Procedures - Requirements.**

- 1. The owner or operator of a stationary air contamination source or facility may make a significant modification to an applicable operating permit under this section.**
- 2.** Significant permit modifications shall meet all requirements of the applicable Subparts of this Part, including those for applications, fees, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal.
- 3. The owner or operator of the facility shall submit to the Department, on a form provided by or approved by the Department, a brief description of the change, the date on which the change is to occur and the proposed language for revising the operating permit conditions proposed to be changed.**

- 4.** The approval of a significant permit modification, if the entire permit has been reopened for review, shall commence a new full five (5) year permit term.
- 5.** The Department shall take final action on all such permits within nine (9) months following receipt of a complete application.

#### **§2103.22 ISSUANCE, STANDARD CONDITIONS**

*{Paragraph c.1 & Subsection j amended & Subsection k added September 6, 1995, effective October 20, 1995. Subsection l added January 22, 1998, effective March 31, 1998. Subsection k amended mm/dd/2021, effective mm/dd/2021.}*

- k. General Permits and Temporary Sources at Multiple Locations.**
  1. Except as otherwise provided under this Subsection, the requirements for General Permits and Operating Permits for Sources Operating at Multiple Temporary Locations promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.514 & 127.515 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
  - 2. For purposes of this Article, an applicant for a General Operating Permit or for an Operating Permit for Sources Operating at Multiple Temporary Locations shall pay a fee in accordance with §2103.40.**
  - 23.** Under the regulations incorporated by reference under this Subsection:
    - A. “Plan approval” shall mean Installation Permit;
    - B. “Department” shall mean Department as defined under this Article;
    - C. “Title V Permit” shall mean an Operating Permit issued under this Subpart;
    - D. “Title V Facility” shall mean Major Source;
    - E. “§127.516” shall mean Subsection e above;
    - F. “Subchapter H” shall mean §2102.03.j & l of this Article; and
    - G. “Facility” shall mean Source.

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## SUBPART 4 - OPERATING PERMIT FEES AND EMISSIONS FEES

### §2103.40 OPERATING PERMIT ADMINISTRATION FEES

*{Paragraph b amended August 12, 1999, effective September 1, 1999. Paragraph b revised and paragraph g added by July 16, 2009 amendment, effective July 26, 2009. Amended mm/dd/2021, effective mm/dd/2021.}*

#### a. Annual Operating Permit Application/Permit Administration Fees.

1. On the date that an application for an Operating Permit is submitted under this Part, including applications for renewals, revisions, transfers, administrative amendments, and modifications, and on or before the last day of the month in which such submission is made in each year thereafter, while such application is being reviewed and then during the term of any permit subsequently issued, the owner or operator of such source shall submit to the Department, in addition to any other applicable administration and emissions fees, an Annual Operating Permit Application/Permit Administration application fee in the amount set by the Board of Health.

2e. Annual Major Source Hazardous Air Pollutant Permit Application/Permit Administration Fee. On the date that an application for an operating permit for a major source with the potential to emit any hazardous air pollutant is submitted under this Part, including applications for renewals, revisions, transfers, administrative amendments, and modifications, and on or before the last day of the month in which such submission is made in each year thereafter, while such application is being reviewed and then during the term of any permit subsequently issued, the owner or operator of such source shall submit to the Department, in addition to all other applicable administration and emission fees, an Annual Hazardous Air Pollutant Permit Application/Permit Administration Fee in the amount of 50% of the amount of the annual operating permit application/permit administration fee required for said permit by this Part.

3d. Annual Acid Rain Deposition Control Permit Application/Permit Administration Fee. On the date that an application, or portion of an application, for the acid rain deposition control portion of an operating permit for affected sources is submitted under this Part, including applications for renewals, revisions, transfers, administrative amendments, and modifications, and on or before the last day of the month in which such submission is made in each year thereafter, while such application is being reviewed and then during the term of any permit

~~subsequently issued, the owner or operator of such source shall submit to the Department, in addition to all other applicable administration and emission fees, an Annual Acid Deposition Control Permit Application/Permit Administration Fee in the amount of 50% of the amount of the annual operating permit application/permit administration fee required for said permit by this Part.~~

- 4e. Annual Operating Permit Application/Permit Non-Compliance Administration Fee.** On the date that an application for an Operating Permit is submitted under this Part, including applications for **renewals**, revisions, transfers, **administrative** amendments, and modifications, involving a source of which any part is not in full compliance with this Article, and ~~on or before the last day of the month in which such submission is made in each year thereafter, while such application is being reviewed and then during the term of any permit subsequently issued until such source has achieved and demonstrated full compliance with the requirements of this Article,~~ the owner or operator of such source shall submit to the Department, in addition to all other applicable administration and emission fees, an Annual Operating Permit Application/Permit Non-Compliance Administration Fee in the amount of 50% of the total amount of the annual **operating permit** application/permit administration fee and any annual acid rain deposition control and hazardous air pollutant permit application/administration fees required for said permit by this Part. No portion of this fee is refundable upon achieving compliance.

- b. Annual Operating Permit Administration Fee. In addition to any other applicable administration and emissions fees, an owner or operator of a source that has submitted an application for an operating permit under this Part shall pay an annual operating permit administration fee in the amount set by the Board of Health for applications filed through calendar year 2020. While such application is being reviewed and then during the term of any permit subsequently issued, the owner or operator shall pay the fee on or before the last day of the month in which such submission is made in each year thereafter through calendar year 2020.**

- c. Annual Operating Permit Maintenance Fee. Beginning for calendar year 2021, an owner or operator of a source that has submitted an application for an operating permit under this Part shall pay an annual operating permit maintenance fee in the amount set by the Board of Health. For calendar year 2021, the annual operating permit maintenance fee is due on or before 60 days after the effective date of this subsection. For subsequent years, the annual operating permit maintenance fee is due on or before December 31 of each year for the next calendar year. The owner or operator shall pay the fee while such application is being reviewed and then during the term of any permit subsequently issued.**
- db. Amount of Fees.** A schedule of the amounts of the annual operating permit application **fees,** **annual operating** permit administration **fee,** and **annual operating permit maintenance** fees required by this Section shall be set by the Board of Health. Consideration shall be given to the degree of technical and regulatory difficulty in establishing fees for minor, synthetic minor and major sources.
- e. The owner or operator of a source that submits an application for a Plantwide Applicability Limit (PAL) permit under 25 Pa. Code §127.218(b) (relating to PALs), to cease a PAL permit under 25 Pa. Code 127.218(j) or to increase a PAL under 25 Pa. Code §127.218(l) shall pay a fee in the amount set by the Board of Health.**
- f. The owner or operator of a source proposing a PAL under §2102.07, “Prevention of Significant Deterioration,” that is not included in an application submitted under Subsection e, above, shall pay a fee in the amount set by the Board of Health.**

- g. Request for Determination. The owner or operator of a source subject to this Section that submits a request for determination under §2102.04.a.5 (relating to exemptions) for an operating permit, an installation permit, or for both an operating permit and an installation permit, shall pay a fee in the amount set by the Board of Health. The Board of Health shall set a reduced fee for an owner or operator of a source that meets the definition of small business stationary source set forth in Section 3 of the Air Pollution Control Act (35 P.S. §4003).**
- h. Fees for General Permits and for Operating Permits for Sources Operating at Multiple Locations under §2103.22.k. The Department may establish application fees for the use of General Operating Permits for stationary sources or Sources Operating at Multiple Temporary Locations (portable sources) for both major and non-major sources. These application fees will be established and published when the General Operating Permit is issued or modified by the Department.**
- fi. Payment of Fees. The payment of the required fees under Paragraphs a, b, c, e and f of this Section and under §2103.13.d.1.A for a source that requires a major operating permit shall be made by check or money order payable to the “Allegheny County Air Quality Fund.”** The payment of **all other** required fees under this Section shall be made by check or money order payable to the “Allegheny County Air Pollution Control Fund.”
- gj. Approval of Fees. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.**

#### **§2103.41 EMISSIONS FEES**

*{Subsections a & c & Paragraph b.2 amended, and Paragraph b.1 added September 6, 1995, effective October 20, 1995; Subsections a & b amended May 7, 1998, effective May 15, 1998. Subsections a & b amended, and Subsection c deleted November 13, 2014, effective January 1, 2015. Amended mm/dd/2021, effective mm/dd/2021.}}*

...

- b. Annual Emissions Fee Deadline. In addition to any other administration or maintenance fees required under this Article, the owners or operators of all**

sources subject to Subpart 2 of this Part shall pay annual emissions fees as set forth under Subsection (a) above for the previous calendar year actual emissions. All such fees shall be paid into the “Allegheny County Air Quality Fund” for the major operating permit program as set forth under this Article. All such fees shall be paid by no later than September 1 of each year.

...

**§2105.51 ABRASIVE BLASTING** {Subsection d amended July 16, 2009, effective July 26, 2009. Subsection d amended mm/dd/2021, effective mm/dd/2021.}

...

d. Permit Application Fees.

...

2. For each annual permit application required under this Section, the owner of the subject surfaces shall submit to the Department an annual permit application fee in the amount **set by the Board of Health** ~~of \$600~~, payable to the Allegheny County Air Pollution Control Fund, for the proposed abrasive blasting. **Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.**



**§2105.62 ASBESTOS ABATEMENT APPLICABILITY, FEDERAL REQUIREMENTS, NOTICES, AND PERMITS** {Subsection h amended July 16, 2009, effective July 26, 2009. Subsection d amended July 16, 2009, effective July 26, 2009. Subsection h amended mm/dd/2021, effective mm/dd/2021}

...

h. Permits.

...

8. Permit Amendments - Other than Solely for Permit Extensions.

A. No person shall remove, encase, or encapsulate, or cause to be removed, encased, or encapsulated, any ACM during asbestos abatement activities conducted under a permit under this Section other than the ACM identified, by type, amount, and specific location within the facility, in the application and permit, unless for such additional ACM:

i. Where all of the additional ACM is located within the existing containment barriers under the current permit:

(a). The owner of the facility has submitted to the Department a properly completed Asbestos Permit Amendment application including:

...

(2). The appropriate fee, under this Section, in the amount of either the difference between the amount of the fee for the total amount of the ACM to be abated under the current permit plus the additional ACM to be removed, encased, or encapsulated, less the amount of the fee previously paid for the current permit, or **in the amount set by the Board of Health** ~~\$150~~, whichever is more;

...

ii. Where the additional ACM is located within the same facility under the current permit, but any portion of the additional ACM is located outside the existing containment barriers under the current permit:

- (a). The owner of the facility has submitted to the Department a separate properly completed new Asbestos Permit application including:
  - (1). All requirements for a permit application under this Section except;
  - (2). The appropriate fee, under this Section, in the amount of either the difference between the amount of the fee for the total amount of the ACM to be abated under the current permit plus the additional ACM to be removed, encased, or encapsulated, less the amount of the fee previously paid for the current permit, or **in the amount set by the Board of Health** ~~\$150~~, whichever is more;

...

D. Asbestos permit amendment applications may, in the sole discretion of the Department, be conditionally approved in the field or verbally over the phone, but such approval is automatically null and void unless:

- i. By no later than 2:00 PM on the next Department business day, the owner of the facility has submitted to the Department a properly completed Asbestos Permit Amendment application including:

...

- (b). The appropriate fee, under this Section, in the amount of either the difference between the amount of the fee for the total amount of the ACM to be abated under the current permit plus the additional ACM to be removed, encased, or encapsulated, less the amount of the fee previously paid for the current permit, or **in the amount set by the Board of Health** ~~\$150~~, whichever is more; and

...

**F. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.**

**§2109.07 PENALTIES, FINES, AND INTEREST** *{Subsection b amended mm/dd/2021, effective mm/dd/2021}*

- a. Fees. A source that fails to pay any fee required under this Article when due shall pay a civil penalty of 50% of the fee amount, plus interest on the fee amount computed in accordance with Paragraph a.4 of §2109.06 of this Article from the date the fee was required to be paid. In addition, the source may have its permit revoked.
  
- b. Disposition of Monies Collected.
  - 1. All interest received by the County under this Article as a result of ~~emissions~~ fees under **Sections 2102.10.h, 2103.40.i, and** §2103.41.a.1 of this Article shall be paid into the Allegheny County Air Quality Fund for the major operating permit program.
  
  - 2. All interest received by the County under this Article as a result of fees, other than the ~~emissions~~ fees under **Sections 2102.10.h, 2103.40.i, and** §2103.41.a.1 of this Article, shall be paid into the Allegheny County Air Pollution Control Fund.

...

**§2109.08 ALLEGHENY COUNTY AIR POLLUTION CONTROL FUND & AIR QUALITY FUND** {Subsection c amended July 16, 2009, effective July 26, 2009. Subsection e amended mm/dd/2021, effective mm/dd/2021}

...

- e. There is hereby established the "Allegheny County Air Quality Fund" for the major operating permit program which is specifically for the deposit of all ~~emission~~ fees, and related interest, and only such fees and interest, ~~required to be~~ collected by the County **under this article to implement the requirements of** by Title V of the Clean Air Act, and the disbursement of such funds, and only such funds, solely to cover all of the costs of the County's air pollution control program required by Title V of the Clean Air Act. All funds received by the County under this Article as a result of ~~major source emissions~~ fees, and related interest, **collected from sources that require a major operating permit**, and only such funds, shall be paid into the Allegheny County Air Quality Fund for the major operating permit program. Disbursements of monies from the Air Quality Fund for the major operating permit program shall be utilized solely to cover any and all reasonable (direct and indirect) costs required to develop and administer the County's air pollution control program required by Title V of the Clean Air Act, whether such costs are incurred by the County or other State or local agencies that do not issue permits directly but that support permit issuance or administration. At no time for any purpose shall monies be disbursed or borrowed from the Air Quality Fund for the major operating permit program, or otherwise distributed or encumbered, except as specifically allowed under this Section.

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*End of regulation changes*