

No. 16-15-OR

## AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

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

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

**Whereas**, on March 4, 2015, the Allegheny County Board of Health adopted the attached amendments to 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 Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the specific amendments to Article XXI, entitled "AIR POLLUTION CONTROL," of the Allegheny County Health Department Rules and Regulations as set forth in the document attached hereto as Exhibit A, "entitled, **Proposed change to Article XXI, §2101.07.c, "Administration and Organization – Air Pollution Control Advisory Committee," and related changes.**

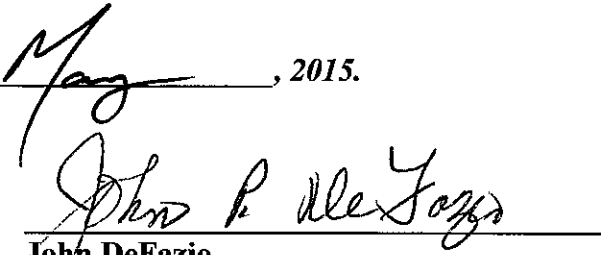
***SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered***

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 Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.

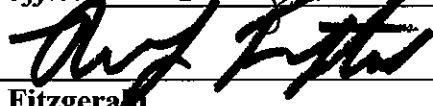
Enacted in Council, this 5<sup>th</sup> day of May, 2015.

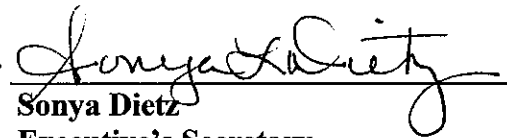
Council Agenda No. 8887-15.

  
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John DeFazio  
President of Council

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

Chief Executive Office May 8, 2015

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

Attest:   
\_\_\_\_\_  
Sonya Dietz  
Executive's Secretary

**Proposed change to Article XXI, §2101.07.c,  
“Administration and Organization – Air Pollution Control Advisory  
Committee,” and related changes.**

**Executive Summary**

The ACHD Air Quality Program is updating its regulations governing the Air Pollution Control Advisory Committee with regard to length of term of members.

The revisions to Article XXI, §2101.07.c that are shown in the attached submittal, will:

- 1. Increase the appointment term from one year to three years.**  
This is the chief reason for revising the regulation and it will address the concern voiced by members of Allegheny County Council, who have questioned the need to review appointments of the same members of the Advisory Committee on a yearly basis.
- 2. Revise the number of individuals to comprise the Advisory Committee from 19 to “at least nine (9) and up to 15.”**  
This will present a more attainable number of members to comprise a full committee.
- 3. Revise the language that mandated that no more than five members be representatives of industry, to instead require the Committee consist of a balance of representatives from industry, environmental organizations, academia, small business and general citizenry.**  
This will better reflect the composition of the Committee currently, and as anticipated for the future.
- 4. Update the titles of various positions within the Health Department and County.**

In addition to being an Article XXI, amendment, a portion of the changes constitute a change to the Pennsylvania State Implementation Plan (SIP-81).

The proposed change has been the subject of a public comment period, including a public hearing held on August 22, 2014. The Air Pollution Control Advisory Committee reviewed the proposed change, public comments, and comment responses at its February 9, 2015 meeting and recommended final approval by the BOH. The Board of Health granted final approval to this regulation on March 4, 2015.

**EXHIBIT "A"**

**PROPOSED REVISION**

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

**§2101.07.a, Administration (SIP Change)**

**§2101.07.c, Air Pollution Control Advisory Committee (Non-SIP Change)**

**And**

**§2101.20, Definitions (SIP Change)**

**(The portions of this proposed revision noted as "SIP Change," 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. Revision Tracking No. 81.)**

# 1. Proposed revisions

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

## PART A – GENERAL

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### §2101.07 ADMINISTRATION AND ORGANIZATION

{Subsection c amended May 7, 1998 effective May 15, 1998. Amended Month, Date, 2015, effective Month, Date, 2015.}

- a. **Administration.** This Article shall be administered and enforced by the Allegheny County Health Department Bureau of Environmental ~~Quality~~ **Health**, by the Director of the Allegheny County Health Department, and by the County of Allegheny pursuant to authority granted in the Local Health Administration Law, 1951, Aug. 24, P.L. 1304, 16 P.S. §§12001 et seq. and the Second Class County Code, 1953, July 28, P.L. 723, 16 P.S. §§3101 et seq.
- b. **Amendments.** Amendments to this Article shall be made in conformity with the Local Health Administration Law, 1951, Aug. 24, P.L. 1304, and the Second Class County Code, 1953, July 28, P.L. 723. A public hearing and a 30 day public comment period shall be conducted by the Board of Health prior to its consideration of any significant amendment or additions to this Article or any amendment or additions to this Article which constitute a proposed amendment to the County's portion of any SIP required under the Clean Air Act.
- c. **Air Pollution Control Advisory Committee.** There is hereby established an Air Pollution Control Advisory Committee which may recommend to the Board of Health additions and changes to this Article and advise the Bureau of Environmental ~~Quality~~ **Health** and the Board of Health on matters relative to the control of air pollution which are brought to its attention by any person.
  1. The Air Pollution Control Advisory Committee shall consist of ~~19~~ **at least 9 and up to 15** individuals appointed by the ~~County Executive Board of County Commissioners~~ **County Executive Board**. Each member may identify an alternate in writing to vote in his/her stead. The member shall provide the name, address, and phone number of the alternate to the Chair of the Advisory Committee. The term of the alternate shall be that of the member or until the member identifies another alternate.
  2. All members of the Advisory Committee shall be appointed for a term of ~~one (1)~~ **three (3) years** or until the next appointment, whichever is longer.
  3. The Director, and Deputy Director **Bureau of Environmental Health, and Air Program Manager** shall be ex-officio members of the Committee but shall not have the right to vote on matters before the Committee.

4. Advisory Committee members may include both residents of Allegheny County and non-residents who have been deemed by the **County Executive** County Commissioners to have pertinent expertise. ~~At no time shall~~ The Advisory Committee **shall** consist of ~~more than five (5) members who are~~ **a balance of representatives of industry, environmental organizations, academia, small business, and general citizenry, who maintain credentials in, or experience in, or knowledge of the field of air pollution.**
5. A member or his/her alternate is expected to be in attendance at all Advisory Committee meetings. If a member or his/her alternate is not in attendance at more than 3 out of any six (6) consecutive meetings, he/she will be notified by the County that his/her membership has been forfeited. A member may petition the Director for reinstatement at the next Advisory Committee meeting.
6. The Advisory Committee shall elect from its members a Chair and a Vice Chair of the Committee. The election shall be for one year terms and held at the first meeting after September 1 of each year.
7. The Advisory Committee shall meet at the call of the Chair, or at the request of the Director of the Allegheny County Health Department or the Board of Health, or upon the written request of any three (3) members of the Advisory Committee.
8. The Advisory Committee shall adopt such procedures as it deems necessary to conduct its business and shall adopt such provisions as are necessary in order to consider matters which are brought to its attention by any person or group.
9. A quorum shall be required to conduct the business of the Advisory Committee. A quorum shall consist of not less than a majority of the voting members of the Advisory Committee.

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**§2101.20 DEFINITIONS** *{Added by August 29, 2013 amendment, effective September 23, 2013. Amended Month, Date, 2015 effective Month, Date, 2015.}*

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"County Executive" means the County **Chief** Executive of Allegheny County, Pennsylvania, **as defined in the Allegheny County Home Rule Charter.**

**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

TO: Jared E. Barker  
Allegheny County Council

FROM: William D. McKain CPA  
County Manager

DATE: April 2, 2015

RE: Proposed Ordinance

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Attached is a an Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

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.

APR 2 15 11:58 AM

ALLEGHENY COUNTY

COUNCIL