

Bill No. 3152-07

No. 16-07-OR

AN ORDINANCE

An Ordinance of the County of Allegheny amending Ordinance 16782 and Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, revising Air Pollution Control Regulations and adding to State Implementation Plan for SIP Revision 58 relating to Solid Waster Incineration Units.

Whereas, as a means of achieving better air quality for the citizens of Allegheny County, the Allegheny County Board of Health ("the Board"), desires to amend Article XXI and County Ordinance 16782 in order to reduce emissions and their possible harmful effects on the pubic health, and

Whereas, after a duly advertised public comment period of thirty days, including the presentation of oral comments and the consideration of those comments received, the Board, by vote at a publicly advertised meeting on March 7, 2007, adopted the attached amendment to its Article XXI that would amend the State Implementation Plan (SIP); and

Whereas, the Local Health Administration Law, Pa. Stat. Ann. tit. 16, § 12001 *et seq.*, provides for the submission of proposed health regulations or the amendment of existing health regulations to a County for approval and rejection; and

Whereas, in compliance with the Local Health Administration Law, the Director of the Allegheny County Health Department, on behalf of the Board, has submitted the amendment to Ordinance 16782 and Article XXI to the Allegheny County Council with the recommendation that the County should approve the amendment.

The Council of the County of Allegheny hereby enacts 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 as findings of fact made by Council.

SECTION 2. Approval of Amendment to Article XXI of Health Department Rules and Regulations.

Pursuant to the Local Health Administration Law, County Council does hereby approve the addition of State Implementation Plan (SIP) of the Allegheny County Health Department's

Rules and Regulations, Article XXI, Air Pollution Control, and Ordinance 16782, adopted by the Board on March 7, 2007 that is attached to this Ordinance.

SECTION 3. Submission of Amendment to Article XXI to Appropriate State and Federal Authorities.


The Director, on behalf of the Board, is hereby authorized to submit the attached amendment to Article XXI changes to the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.

SECTION 4. 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 continue in full force and effect.*

SECTION 5. REPEALER. *Any Resolution and 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 1st day of May, 2007,

Council Agenda No. 3152-07.



Rich Fitzgerald
President of Council

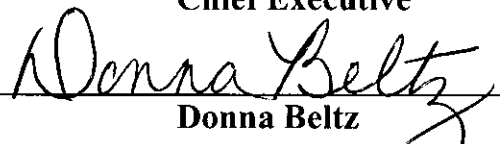
Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office  MAY 8, 2007

Approved: 

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive's Secretary

SUMMARY OF LEGISLATION

The attached legislation would amend Ordinance 16782 and Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, revise Air Pollution Control Regulations and add to State Implementation Plan for SIP Revision 58 relating to Solid Waster Incineration Units.

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr.
County Manager

DATE: April 12, 2007

RE: Proposed Ordinance



Attached is an Ordinance amending Ordinance 16782 and Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, revising Air Pollution Control Regulations and adding to State Implementation Plan for SIP Revision 58 relating to Solid Waster Incineration Units.

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

Please place this on the next agenda for County Council approval.

Thank you.

ALLEGHENY COUNTY COUNCIL

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The following Article XXI section is new.

§2105.33 EXISTING 'OTHER SOLID WASTE INCINERATORS' (OSWI)
(amended mm/dd/yy, effective mm/dd/yy)

a. **Applicability.** This Section applies to incineration units that meet all of the following requirements:

1. The incineration unit that is:
 - A. An OSWI unit as defined in Subsection b.9, below; or
 - B. An air curtain incinerator subject to this Section as described below:
 - i. Air curtain incinerators that burn less than 35 tons per day of municipal solid waste or air curtain incinerators located at institutional facilities burning any amount of institutional waste generated at that facility are subject to all requirements of this Section including the emission limitations of Subsection f, below.
 - ii. Air curtain incinerators used in disaster recovery are subject to the requirements of 40CFR60.2969, which are hereby incorporated by reference.
 - iii. Air curtain incinerators that burn only wood waste, clean lumber, and yard waste are subject to the requirements described in Subsection o, below.
2. The incineration unit is an *existing* incineration unit.

For purposes of this Section, an existing incineration unit is an OSWI unit or air curtain incinerator subject to this Section that commenced construction on or before December 9, 2004, except as provided in Subparagraph A, below:

 - A. If the owner or operator of an incineration unit makes changes that meet the definition of modification or reconstruction on or after June 16, 2006, the unit becomes subject to 40 CFR 60, Subpart EEEE, "Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006," and this Section no longer applies to that unit.
 - B. If the owner or operator of an existing incineration unit makes physical or operational changes to the unit primarily to comply with this Section, then Subpart EEEE requirements do not apply to that unit. Such changes do not qualify as modifications or reconstructions under Subpart EEEE.

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3. The incineration unit is not one of the types listed below that are excluded:
- A. The following types of units described in 40 CFR 60.2887(a) through (q), are excluded from this Section as long as the requirements stated there are met.
- i. Cement kilns
 - ii. Co-fired combustors
 - iii. Cogeneration facilities
 - iv. Commercial and industrial solid waste incinerator units are excluded if they are regulated under 40CFR62 Subpart III as well as the stated 40CFR 60 subparts CCCC or DDDD.
 - v. Hazardous waste combustion units
 - vi. Hospital/medical/infectious waste incinerators
 - vii. Incinerators and air curtain incinerators in isolated areas of Alaska
 - viii. Rural institutional waste incinerators in Allegheny County are not excludable. They do not meet the requirement to be located more than 50 miles from the boundary of the nearest Metropolitan Statistical Area.
 - ix. Institutional boilers and process heaters.
 - x. Laboratory Analysis Units
 - xi. Material recovery units
 - xii. Pathological waste incineration units
 - xiii. Small or large municipal waste combustion units
 - xiv. Small power production facilities
 - xv. Temporary-use incinerators and air curtain incinerators used in disaster recovery
 - xvi. Units that combust contraband or prohibited goods
 - xvii. Incinerators used for national security
- B. Air curtain incinerators used solely for clearing land of vegetation prior to construction are exempt from the requirements of this Section.

b. Definitions. For purposes of this Section, the terms below are defined as follows:

- 1. "Administrator" means the Allegheny County Health Department (the Department), except with respect to those authorities listed in 40 CFR 60.2889(b)(1) through (6) as retained by EPA.
- 2. "Air curtain incinerator" means an incineration unit operating by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs. For the purpose of this Section only, air curtain incinerators include both firebox and trench burner units.
- 3. "Deviation" is defined as in 40 CFR 60.2977, except read "\$2105.33.a" wherever §60.2885 appears.
- 4. "Institutional facility" means a land-based facility owned and/or operated by an organization having a governmental, educational, civic, or religious purpose such as a school, hospital, prison, military installation, church, or other similar establishment or facility.
- 5. "Institutional waste" means solid waste (as defined below) that is combusted at any institutional facility using controlled flame combustion in an enclosed, distinct operating unit: whose design does not provide for energy recovery; operated without energy recovery; or operated with only waste heat recovery. Institutional waste also means solid waste (as defined below) combusted on site in an air curtain incinerator that is a distinct operating unit of any institutional facility. Where

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“energy recovery” means the process of recovering thermal energy from combustion for useful purposes such as steam generation or process heating; and *“waste heat recovery”* means the process of recovering heat from the combustion flue gases outside of the combustion firebox by convective heat transfer only.

6. **“Institutional waste incineration unit”** means any combustion unit that combusts institutional waste and is a distinct operating unit of the institutional facility that generated the waste. Institutional waste incineration units include field-erected, modular, cyclonic burn barrel, and custom built incineration units operating with starved or excess air, and any air curtain incinerator that is a distinct operating unit of the institutional facility that generated the institutional waste (except those air curtain incinerators listed in §2105.33.o.1.B).
7. **“Municipal solid waste”** means refuse (and refuse-derived fuel) collected from the general public and from residential, commercial, institutional, and industrial sources consisting of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials and non-combustible materials such as metal, glass and rock, provided that: (1) the term does not include industrial process wastes or medical wastes that are segregated from such other wastes; and (2) an incineration unit shall not be considered to be combusting municipal solid waste for purposes of this subpart if it combusts a fuel feed stream, 30 percent or less of the weight of which is comprised, in aggregate, of municipal solid waste, as determined by 40 CFR §60.2887(b).
8. **“Municipal waste combustion unit”** means, for the purpose of this subpart, any setting or equipment that combusts municipal solid waste (as defined in this subpart) including, but not limited to, field-erected, modular, cyclonic burn barrel, and custom built incineration units (with or without energy recovery) operating with starved or excess air, boilers, furnaces, pyrolysis/combustion units, and air curtain incinerators (except those air curtain incinerators listed in §2105.33.o.1.B).
8. **“Other solid waste incineration (OSWI) unit”** means either a very small municipal waste combustion unit or an institutional waste incineration unit, as defined in this subpart. Unit types listed in §2105.33.a.3 as being excluded from the subpart are not OSWI units subject to this subpart. While not all OSWI units will include all of the following components, an OSWI unit includes, but is not limited to, the municipal or institutional solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The OSWI unit does not include air pollution control equipment or the stack. The OSWI unit boundary starts at the municipal or institutional waste hopper (if applicable) and extends through two areas: (1) The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and (2) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The OSWI unit includes all ash handling systems connected to the bottom ash handling system.
9. **“Solid waste”** means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended {42 U.S.C. 2014}.
10. **“Very small municipal waste combustion unit”** means any municipal waste combustion unit that has the capacity to combust less than 35 tons per day of municipal solid waste or refuse-derived fuel, as determined by the calculations in 40CFR 60.2975.

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All other definitions of 40 CFR Part 60 Subparts A and B, and 40 CFR 60.2977 are incorporated by reference into this Article.

c. Compliance Schedules.

1. OSWI units, and air curtain incinerators subject to Subsection o, must achieve final compliance as expeditiously as practicable after the approval of this regulation Section, but not later than the earlier of the following two dates:
 - A. December 16, 2010.
 - B. Three years after the effective date of this regulation Section.

The complying unit must submit a notification to the Department stating whether final compliance has been achieved, postmarked within 10 business days after the final compliance date. Final compliance means that the owner or operator completes all process changes and retrofit of control devices so that, when the incineration unit is brought on line, all process changes and air pollution control devices necessary to meet the emission limitations operate as designed.

2. Closing an OSWI unit and then restarting it.
 - A. If the owner or operator closes their OSWI unit but will restart it prior to the final compliance date, they must meet the final compliance date of c.1, above.
 - B. If the owner or operator closes their OSWI unit but will restart it after the final compliance date, they must complete emission control retrofit and meet the emission limitations as specified in Subsection f, below, on the date their OSWI unit restarts operation. They must conduct the initial performance test as specified in Subsection g, below, within 30 days of restarting the OSWI unit.
3. Permanently closing an OSWI unit and not restarting it.
If the owner or operator plans to close their OSWI unit, they must close the unit before the final compliance date of c.1, above.

- d. **Waste Management Plan.** The owner or operator of an OSWI unit must submit a waste management plan as described in 40 CFR 60.2899 and 60.2901 no later than 60 days following the initial performance test. The initial performance test must be conducted no later than 180 days after the final compliance date specified in §2105.33.c.1.

- e. **Operator Training and Qualification.** The requirements of 40 CFR 60.2905 through 60.2911 are incorporated by reference into this Article, with the following changes:

1. 40 CFR 60.2906 - The operator training course must be completed by the latest of the three dates specified below.
 - A. The final compliance date specified in §2105.33.c.1.
 - B. Six months after OSWI unit startup.
 - C. Six months after an employee assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit.
2. 40 CFR 60.2910 -
 - A. 40 CFR 60.2910(a)(8): The waste management plan is required under §2105.33.d.
 - B. 40 CFR 60.2910(b)(1): The initial review of the information listed in §60.2910(a) must be conducted by the latest of the three dates specified below:
 - i. The final compliance date specified in §2105.33.c.1.

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- ii. Six months after the OSWI unit startup.
 - iii. Six months after an employee assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit.
- f. **Emission Limitations and Operating Limits.** The requirements of 40 CFR 60.2915 through 60.2918 are incorporated by reference into this Article, with the following changes:
 - 1. 40 CFR 60.2915 - The subject emission limitations must be met on the date the initial performance test is required or completed (whichever is earlier). The initial performance test must be conducted no later than 180 days after the final compliance date specified in §2105.33.c.1.
 - 2. 40 CFR 60.2916(b) - The operating limits established during the initial performance test must be met beginning on the date 180 days after the final compliance date specified in §2105.33.c.1.
- g. **Performance Testing.** The requirements of 40 CFR 60.2922 and 60.2923 are incorporated by reference into this Article.
- h. **Initial Compliance Requirements.** The requirements of 40 CFR 60.2927 are incorporated by reference into this Article with the exception that 40CFR60.2916(b) does not apply. The initial performance test must be conducted no later than 180 days after the final compliance date specified in §2105.33.c.1, or within 30 days of restarting a closed unit under the provisions of §2105.33.c.2.B.
- i. **Continuous Compliance Requirements.** The requirements of 40 CFR 60.2932 through 60.2935 are incorporated by reference into this Article.
- j. **Monitoring.** The requirements of 40 CFR 60.2939 through 60.2945 are incorporated by reference into this Article with the following change:
 - §60.2940(b) - the initial evaluation of the continuous emission monitoring systems shall be completed within 180 days after the final compliance date specified in §2105.33.c.1.
- k. **Recordkeeping and Reporting.** The requirements of 40 CFR 60.2949 through 60.2951 and 40CFR 60.2954 through 60.2962 are incorporated by reference into this Article, with the following changes:
 - 1. For §60.2949 – paragraph (j) does not apply; and reference §2105.33.e.2 instead of the cited §60.2910(a) and (b).
 - 2. §60.2951 – The reporting requirements of Table 4, must be met, with the following exceptions and addition:
 - A. Report Items 1 and 2, “Pre-construction report” and “Startup notification,” are not required.
 - B. Report Item 3, “Reference §60.2954,” refer to Paragraph 3, below.
 - C. Report Item 4, “Reference §60.2955 and 2956,” refer to Paragraphs 4 and 5, below.
 - D. A waste management plan must be submitted in accordance with §2105.33.d.
 - 3. §60.2954 – The information specified in subparagraphs A through C below, must be submitted no later than 60 days following the initial performance test. All reports must be signed by the facilities manager.
 - A. The complete test report for the initial performance test results obtained under §2105.33.h, as applicable.

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- B. The values for the site-specific operating limits established in §2105.33.f.
- C. The waste management plan as specified in §2105.33.d.
- 4. §60.2955 –The reference to §60.2954 should be read as §2105.33.k.3.
- 5. §60.2956(d) – The annual report must include the values for the operating limits established pursuant to §2105.33.f.
- 1. **Title V Operating Permits.** The owner or operator of an OSWI unit subject to this Section is required to apply for and obtain a Title V operating permit unless it meets the relevant requirements for an exemption specified in §2105.33.a.3.
 - 1. If the existing unit is not subject to an earlier permit application deadline, a complete TitleV permit application must be submitted on or before the earlier of the dates specified below:
 - A. 12 months after the effective date this regulation Section.
 - B. December 16, 2008.
 - 2. If the existing unit is subject to Title V as a result of some triggering requirement(s) other than those specified in subparagraph A, above (for example, a unit may be a major source or part of a major source), then the owner or operator may be required to apply for a Title V permit prior to the deadlines specified in subparagraph A. If more than one requirement triggers a source's obligation to apply for a Title V permit, the 12-month timeframe for filing a Title V permit application is triggered by the requirement which first causes the source to be subject to Title V.
 - 3. A "complete" Title V permit application is one that has been determined or deemed complete by the Department under §2103.11.d.1. The owner or operator must submit a complete permit application by the relevant application deadline in order to operate after this date in compliance with this Article.
- m. **Temporary-Use Incinerators Used in Disaster Recovery.** The requirements of 40CFR60.2969 are incorporated by reference.
- n. **Equations.** The equations of 40 CFR 60.2975 are incorporated by reference into this Article.
- o. **Existing Air Curtain Incinerators That Burn Only Wood Waste, Clean Lumber, and Yard Waste.**
 - 1. General.
 - A. An air curtain incinerator operates by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs. For the purpose of this Section, air curtain incinerators include both firebox and trench burner units.
 - B. Existing air curtain incinerators that burn only less than 35 tons per day of the materials listed in subparagraphs B.i through iv, below, collected from the general public and from residential, commercial, institutional, and industrial sources; and existing air curtain incinerators of any charge rate or capacity located at institutional facilities that burn only the materials listed in subparagraphs B.i through iv, below generated at that facility, are required to meet only the requirements of this Subsection and are exempt from all other requirements of this Section.
 - i. 100 percent wood waste.

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- ii. 100 percent clean lumber.
 - iii. 100 percent yard waste.
 - iv. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.
2. Compliance Date. In accordance with §2105.33.c.1

3. Restarting after Closing.

- A. If the air curtain incinerator is to be closed, but will be reopened prior to the final compliance date, the final compliance date specified in §2105.33.c.1, must be met.
- B. If the air curtain incinerator is to be closed, but will be restarted after the final compliance date, the emission limitations must be met on the date the incinerator restarts operation.

4. Permanently closing.

If the air curtain incinerator is to be permanently closed and not restarted, the owner or operator must close the unit before the final compliance date specified in §2105.33.c.1.

5. Emission Limitations.

- A. Within 180 days after the final compliance date in §2105.33.c.1, the incineration unit must meet the two limitations specified in Subparagraphs (A)(i) and (ii), below.
 - i. The opacity limitation is 10 percent (6-minute average, observed over three 1-hour test runs: i.e., thirty 6-minute averages), except as described in (ii), below.
 - ii. The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.
- B. The limitations in Subparagraph A apply at all times except during malfunctions.

6. Monitoring Opacity.

The requirements of 40 CFR 60.2972 are incorporated by reference into this Article with one addition:

At §60.2972(b), the initial test for opacity is to be conducted as specified in 40 CFR 60.8 within 180 days after the final compliance date in §2105.33.c.1.

7. Recordkeeping and Reporting Requirements.

The requirements of 40 CFR 60.2973(b) through (f) are incorporated by reference into this Article.

8. Title V Operating Permit Requirement.

Unless the air curtain incineration unit is excluded under §2105.33.a.3.A.iv, xv, xvi or xvii, the owner or operator of an OSWI unit subject to this Subsection is required to apply for and obtain a Title V operating permit as specified in 2105.33.1.

**The following Article XXI sections are revised.
Revisions are shown using underlined, bolded typeface of increased font size.**

§2101.20 DEFINITIONS

"**Air curtain ~~destructor~~ incinerator**" means a mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and emissions of smoke and other particulate matter are reduced.

§2105.50 OPEN BURNING

f. Permits.

1. The Department may issue a permit for open burning during a period specified by the Department, but only where the open burning is solely for:

F. Clearing and grubbing wastes subject to, at a minimum, the following requirements:

- i. Air curtain ~~destructors~~ **incineration units** shall be used at all times when burning clearing and grubbing wastes.
- ii. The use of air curtain ~~destructors~~ **incineration units** shall not be permitted unless approved by the Department in writing with respect to equipment arrangement, design, and existing environmental conditions prior to commencement of burning.
- iii. Approval for use of an air curtain ~~destructor~~ **incineration unit** at one site may be granted for a specified period not to exceed three months, but may be extended for additional limited periods upon further written approval by the Department.
- iv. The application for said permit must be accompanied by a non-refundable permit application fee, by check or money order payable to the "Allegheny County Air Pollution Control Fund," in the amount of \$300 to cover the costs associated with processing, reviewing, and acting upon the application.
- v. **If operated at commercial, industrial, or institutional facilities, the air curtain incinerator may also be subject to the NSPS requirements of 40 CFR 60 Subpart CCCC or EEEE.**