

No. 15-15-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 November 5, 2014, 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 §2108.01.e Reports Required – Emission Inventory Statements.

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 Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.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 5th day of May, ~~2014~~ ²⁰¹⁵ 13

Council Agenda No. 8661-14.

John P. DeFazio
John DeFazio
President of Council

Attest: [Signature]
Chief Clerk of Council

Chief Executive Office May 8, 2015

Approved: Rich Fitzgerald
Rich Fitzgerald
Chief Executive

Attest: Sonya Dietz
Sonya Dietz
Executive's Secretary

EXHIBIT "A"

PROPOSED REVISION

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

§2108.01.e, Reports Required – Emission Inventory Statements

**(This proposed revision, with the exception of Subparagraphs §2108.01.e.1.A & B, 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. 80.)**

Proposed Regulation Revision

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

PART H – REPORTING, TESTING, & MONITORING

§2108.01 REPORTS REQUIRED

...

e. Emissions Inventory Statements

1. The owner or operator of each source, or group of sources, on contiguous **or adjacent** property, in the County that has ~~the potential to emit a total of~~ of:
 - A. **Has the potential to emit a total of** 10 or more tons of any hazardous air pollutant;
 - B. **Has the potential to emit a total of** 25 or more tons of the sum of all hazardous air pollutants; ~~or~~
 - C. **Has the potential to emit a total of** 25 or more tons of any other pollutant regulated under this Article, **except for greenhouse gases;**
 - D. Has actual emissions of 10 tons or more per calendar year of any pollutant addressed in this Paragraph; or**
 - E. Emits or has the potential to emit at or above 80% of the major source threshold,**

shall, **unless exempted by Paragraph 2,** submit to the Department ~~a written~~ **an electronic** emissions inventory statement, in accordance with Paragraphs ~~2-3~~ and ~~3~~ **4** of this Subsection, showing the actual emissions of all regulated air pollutants **addressed in this Paragraph** from such source(s) during each calendar year and all supporting and identifying information deemed necessary by the Department.

Executive Summary

Change to Article XXI, Section 2108.01, “Reports Required - Emission Inventory Statements”

(State Implementation Plan (SIP) Revision 80)

The ACHD Air Quality Program is proposing to update its regulations addressing the submittal of annual emissions inventory statements to take into account the Department’s experience with the facilities currently required to report and the level of actual emissions generated by these facilities, and to reflect current reporting procedures.

The proposed revisions to Article XXI, §2108.01, “Reports Required –Emissions Inventory Statements,” that are shown in the attached submittal, specify details related to:

- Levels of potential or actual emissions triggering the requirement for an annual report;
- Exempting non-Title V Sources from the annual report based on past reported emission levels;
- Submitting electronic inventory statements;
- Supporting documentation;
- Annual due date; and
- The allowable period for completion of revisions.

The incorporation of these regulatory updates will allow ACHD to focus on facilities responsible for the majority of point source emissions in the County to the benefit of the health of all its citizens.

At this point, the proposed change has been the subject of a public comment period, including a public hearing held on August 22, 2014. The Board of Health granted final approval to this regulation on November 5, 2014.

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: November 26, 2014

RE: Proposed Ordinance

Attached is an Ordinance 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.

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ALLEGHENY COUNTY

COUNCIL