

No. 02-23-OR

AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying an amendment adding §2105.87 entitled “Control of VOC Emissions from Unconventional and Conventional Oil and Natural Gas Sources,” to 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 under 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 November 2, 2022 during its regularly scheduled public meeting, the Allegheny County Board of Health adopted by affirmative vote the attached amendment adding §2105.87 entitled “Control of VOC Emissions from Unconventional and Conventional Oil and Natural Gas Sources,” 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 amendment as approved by the Board of Health.

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.

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 amendment 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 Resolution which shall be in full force and effect.

SECTION 4. Repealer.

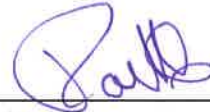
Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

SECTION 5. Effective Date.

In accordance with Section 12011(c) of the Local Health Administration Law, this Ordinance shall become effective ten (10) days after it has been approved.

Enacted in Council, this 29th day of January, 2022.¹³

Council Agenda No. 12553-23.



Patrick Catena
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office January 20th, 2022 ³

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Jennifer Liptak
Chief of Staff

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: January 5, 2023

RE: Proposed Ordinance

Attached is an Ordinance of the Council of the County of Allegheny ratifying an amendment adding §2105.87 entitled “Control of VOC Emissions from Unconventional and Conventional Oil and Natural Gas Sources,” to 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.

**Proposed revisions to Allegheny County Health Department Rules and Regulations,
Article XXI, Air Pollution Control ---**

**§2105.87, CONTROL OF VOC EMISSIONS FROM UNCONVENTIONAL AND
CONVENTIONAL OIL AND NATURAL GAS SOURCES**

LEGISLATIVE SUMMARY OF REGULATIONS IN EXHIBIT “A”

The proposed change to Article XXI adds regulations addressing the Control Techniques Guidelines (CTG) for ‘Control of VOCs (“Volatile Organic Compounds”) from Oil and Natural Gas Sources,’ as a new Article XXI §2105.87.

The Clean Air Act requires that state implementation plans (SIPs) for ozone non-attainment areas and ozone transport regions include reasonably available control measures, including reasonably available control technologies (RACT), for sources of emissions. Control Techniques Guidelines (CTGs) are promulgated by the EPA to provide state and local air pollution control authorities information that should assist them in determining RACT. Air programs must revise their SIPs to include RACT for sources of volatile organic compounds (VOC) emissions covered by a CTG. The EPA has mandated that CTGs become regulations, written by state or local air pollution control agencies. ACHD has adopted all applicable CTGs issued prior to 2016.

On October 27, 2016, EPA issued the CTG for the Oil and Natural Gas Industry for emissions of VOC from existing sources. The Pennsylvania Department of Environmental Protection (PA DEP) developed proposed regulations to be promulgated at 25 Pa. Code Sections 129.121 to 120.130, to meet the requirements of the CTG for existing sources of natural gas and oil facilities. Sources covered by the regulations are storage vessels, natural gas-driven pneumatic controllers, natural gas-driven diaphragm pumps, centrifugal and reciprocating compressors, and fugitive emissions. While the proposed PA DEP regulations differ to some extent from the EPA CTG, the DEP has evaluated each source to be regulated to ensure alignment with EPA’s CTG.

On March 15, 2022, the Pennsylvania Environmental Quality Board (EQB) approved the PA DEP proposed final form rulemaking. That rulemaking would have addressed the above-mentioned sources at both “unconventional” and “conventional” oil and natural gas facilities. On May 4, 2022, the EQB withdrew the final-form rulemaking from consideration by the Pennsylvania Independent Regulatory Review Commission (IRRC). Subsequently, PA DEP submitted to the EQB a revised proposed final-form rulemaking, “Control of VOC Emissions from Unconventional Oil and Natural Gas Sources.” This rulemaking consists of the proposed 25 Pa. Code Sections 129.121 to 120.130 presented to the EQB on March 15, 2022, modified to address only unconventional oil and natural gas sources. EQB adopted this proposed rulemaking on June 14, 2022, and the IRRC approved it as final on July 21, 2022. It will be published in the Pennsylvania Bulletin after review by the Office of Attorney General, which has not happened as of the time of this writing.

PA DEP next submitted to the EQB a separate rulemaking for the RACT requirements for sources of VOC emissions installed at conventional oil and natural gas facilities. The DEP's proposed "Final-Omitted" rulemaking adds new sections 25 Pa. Code Sections 129.131 to 120.140. Again, this rulemaking consists of the same proposed 25 Pa. Code Sections 129.121 to 120.130 presented to the EQB on March 15, 2022, this time modified to address only conventional oil and natural gas sources. The EQB adopted this proposed rulemaking on October 12, 2022, and the proposed rulemaking will be submitted to the IRRC on November 17, 2022.

ACHD is incorporating by reference the proposed final-form PA DEP regulations for both "unconventional" and "conventional" oil and natural gas sources – i.e., 25 Pa. Code, Sections 129.121 to 129.140. In so doing, these Article XXI proposed regulations will have requirements similar to those of the federal CTG, as explained above.

The proposed revision was the subject of a public comment period, including a public hearing held on June 1, 2022. The regulation was approved by the Allegheny County Board of Health at their November 2, 2022 meeting.

Finally, the proposed addition of §2105.87 to Article XXI will be submitted as a revision to the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP) for the control of ozone. The proposed incorporated by reference regulation will fulfill the County's requirements to include the Oil and Natural Gas Industry CTG in its portion of the Pennsylvania SIP.

EXHIBIT “A”

PROPOSED REVISION

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

Addition of:

**§2105.87, “Control of VOC Emissions from
Unconventional and Conventional Oil and Natural Gas Sources”**

(Note: 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, under Revision Tracking No. 94.)

(Document date: November 14, 2022)

Proposed Article XXI Revision –

§2105.87 is proposed to be added to Article XXI and is printed in regular type to enhance readability.

PART E - SOURCE EMISSION AND OPERATING STANDARDS

Subpart 7 –Miscellaneous VOC Sources

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§2105.87 CONTROL OF VOC EMISSIONS FROM UNCONVENTIONAL AND CONVENTIONAL OIL AND NATURAL GAS SOURCES *{Section added Month, Day, 20nn, effective Month, Day, 20nn}*

- a. **Incorporation by Reference.** Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulations for ‘Control of VOC Emissions from Unconventional Oil and Natural Gas Sources,’ and for ‘Control of VOC Emissions from Conventional Oil and Natural Gas Sources,’ promulgated under the Air Pollution Control Act at 25 Pa. Code §§129.121-129.130 and 25 Pa. Code §§129.131- 129.140, respectively, which are hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §§129.121-129.140 and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
- b. For purposes of this Section:
1. “Department” shall mean Department as defined under this Article;
 2. References in 25 Pa. Code §129.127, §129.130, §129.137, and §129.140, to “the appropriate Department Regional Office” shall mean the Allegheny County Health Department;
 3. “Plan approval” shall mean Installation Permit;
 4. References in 25 Pa. Code §121.1, in the definition of “Responsible Official,” to Chapter 127 (relating to construction, modification, reactivation and operation of sources), or Chapter 129 (relating to standards for sources), shall mean Article XXI, Parts B and C, and Article XXI, Part E, respectively.

End of Regulation Changes