

## **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 43 – Gasoline Dispensing Facilities and Stage II control and State Implementation Plan Revision 55 Modeling Requirements.

**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 public 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 2, 2005, 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 2, 2005 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

Council Agenda No. \_\_\_\_\_.

\_\_\_\_\_  
Rich Fitzgerald  
President of Council

Attest: \_\_\_\_\_

John Mascio  
Chief Clerk of Council

Chief Executive Office \_\_\_\_\_, 2005.

Approved: \_\_\_\_\_

Dan Onorato  
Chief Executive

Attest: \_\_\_\_\_

Donna Beltz  
Executive's Secretary

**PROPOSED  
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 43**

**Gasoline Dispensing Facilities - Stage II Control**

**Allegheny County Health Department  
Rules and Regulations**

**Article XXI, Air Pollution Control**

## Revision 43

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  - Certification of approval and adoption (*Added after County Approval*)

**Revision of**  
**ALLEGHENY COUNTY'S**  
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**National Ambient Air Quality Standards**

**Revision 43**

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- 1. Changes to Allegheny County Health Department Rules and Regulations  
Article XXI, Air Pollution Control**  
**§2105.14, Gasoline Dispensing Facilities - Stage II Control**

## §2105.14 GASOLINE DISPENSING FACILITIES - **STAGE II CONTROL**

*{Subsection b amended September 6, 1995, effective October 20, 1995}*

*Section revised Month/Date 2005, effective...*

- a. **Applicability.** This Section applies to gasoline dispensing facilities ~~owned or operated by independent small business marketers of gasoline, or the equivalent, as defined under Section 325 of the Clean Air Act, with monthly gasoline throughput of 50,000 gallons or more, and to all other gasoline dispensing facilities with monthly gasoline throughput of 10,000 gallons or more.~~ with throughputs greater than 10,000 gallons per month. In the case of independent small business marketers of gasoline, as defined in Section 324 of the Clean Air Act (42 U.S.C.A. §7625(c)), this Section does not apply if the throughput is less than 50,000 gallons per month.
- b. **Requirement for Stage II Control.** After the date specified in Subsection c, an owner or operator of a gasoline dispensing facility subject to this Section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 95% by weight, of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and the captured vapors are returned to a vapor tight holding system or vapor control system.
- c. **Compliance Schedule.**
1. Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.
  2. Facilities which dispense greater than or equal to 120,000 gallons of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall have achieved compliance by July 1, 1999.
  3. Facilities which dispense greater than 90,000 gallons per month but less than 120,000 gallons per month based on average monthly sales during calendar years 1995 and 1996 shall have achieved compliance by December 31, 2000.
- d. **Definition.** For the purposes of this Section, the term "construction" includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.

e.b. **Prohibition: General Requirements.** ~~No owner or operator of a gasoline dispensing facility subject to this Section shall transfer, or allow the transfer of, gasoline into a motor vehicle fuel tank on or after the effective date of this Section unless: Owners or operators, or both, of gasoline dispensing facilities subject to this Section shall:~~

- ~~1. The dispensing facility is equipped with a DEP approved and properly operating and maintained Stage II vapor recovery and control system that collects at least 90 percent, or such higher percentage as is required under Section 182 of the Clean Air Act, by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight holding system or vapor control system; and~~
1. Install necessary Stage II vapor collection and control systems, provide necessary maintenance and make modifications necessary to comply with the requirements.
- ~~2. The owner or operator, or both, has, at all times:~~
  - ~~A. Within the past six (6) months, provided adequate training and written instructions to the operator of the affected gasoline dispensing facility to assure proper operation of the system;~~
  2. Provide adequate training and written instructions to the operator of the affected gasoline dispensing facility to assure proper operation of the system.
  - ~~B. Immediately removed from service and tagged as defective any defective nozzle or dispensing system;~~
  - ~~C. Not returned any defective nozzle or dispensing system to service nor returned any defective component to service until the defective component is replaced or repaired and, if such nozzle or system was found to not be properly tagged under this Section during an inspection by the Department, until such return to service is approved by the Department in writing;~~
3. Immediately remove from service and tag any defective nozzle or dispensing system until the defective component is replaced or repaired. A component removed from service may not be returned to service until the defect is corrected. If the Department finds that a defective nozzle or dispensing system is not properly tagged during an inspection, the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.
- ~~4.D.~~ 4.D. Conspicuously posted operating instructions for the system in the gasoline dispensing area which, at a minimum, include:
  - A. i. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site;

B. ii: A warning that continued attempts to dispense gasoline after the system indicates that the vehicle fuel tank is full may result in spillage or recirculation of the gasoline into the vapor collection system; and

C. iii: A telephone number established by the Department for the public to report problems experienced with the system; and

5. Comply with the functional testing and certification requirements specified in EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act to meet the Clean Air Act requirements, conduct Department approved efficiency tests upon installation, addition, or replacement of one or more underground storage tanks, and conduct compliance tests at intervals thereafter according to the following schedule:

A. For vapor balance systems, a pressure decay or leak test once every 5 years, a dynamic back-pressure test once every 5 years, and a blockage test once every 5 years; or

B. For vacuum-assist systems, including Healy systems, a pressure decay or leak test once every 12 months, and an air to liquid volume ratio test once every 12 months; or

C. For all other systems, tests and a testing schedule as approved by the Department.

6.E. Maintained written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of system test results, monthly throughput, type and duration of any failures of the system, and maintenance and repair activities, training, and compliance records. The records shall be kept for the past at least two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date.

f.e. **Exception.** The requirements of this Section shall not be effective unless such requirements are specifically mandated by controlling federal or state laws or regulations. Any rescission of the controlling federal and state laws and regulations mandating these requirements, or the suspension of enforcement of the same, shall result in the immediate suspension of the requirements of this Section by the Department.



**Revision of**  
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**Revision 43**

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**Support Document**

## Technical Support

As part of the state plan to control ozone in Southwestern PA, the PA DEP revised their regulations (PA Code § 129.82) several years ago to require gas refueling stations to install Stage II vapor control systems according to a compliance schedule. The ACHD is now revising its Stage II regulations to follow the state revisions. The two agencies regulations are essentially the same. The only significant differences are the following:

1. Efficiency and Compliance tests (Paragraph e.5), which are listed in state and federal technical guidance documents, but not referred to in their regulations, have been added by the ACHD.
2. In Paragraph e.6, the ACHD has added the requirement to keep the latest efficiency tests, even if the testing occurred over 2 years ago. Also in this paragraph, in addition to written records, electronic records will be required to be maintained on the premises of the gasoline dispensing facility.
3. The DEP regulations require that a vapor recovery system must be of at least 90% efficiency, but the ACHD regulations would require 95% (Paragraph b). The DEP has stated that this was an error on their part; the technical document only allows for units which are 95% efficient. 95% efficiency is required for any SIP.

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**Documentation of Public Hearing and Certifications**

Public hearing notice  
Transmittals of hearing notice to EPA & PA DEP (Later)  
Proof of publication of notice of hearing (Later)  
Certification of hearing  
Summary of Comments and responses  
Certification of approval and adoption (Later)

NOTICE OF PUBLIC HEARING  
FOR PROPOSED AMENDMENT TO  
ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS  
ARTICLE XXI, AIR POLLUTION CONTROL

The Allegheny County Board of Health will hold a public hearing on **Friday, January 7, 2005**, at **10:00 AM**, Building #7 First Floor Conference Room, Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on the Department's proposed Amendments to Article XXI, Air Pollution Control for the following:

Update rules on Stage II vapor recovery control systems at gasoline dispensing facilities to follow rules revised by the PA DEP as part of the state plan to control ozone formation in Southwestern PA; and

Incorporate air dispersion modeling requirements of 40 CFR 51, Appendix W.

Upon County approval, the amendments will be submitted to the U.S. EPA as a revision to Pennsylvania's State Implementation Plan.

Copies of the proposed amendments may be examined beginning **December 8, 2004**, at the Allegheny County Law Library, Room 921 City-County Building, Grant Street, Pittsburgh, PA 15219, from 8:30 AM to 5:00 PM; at the Allegheny County Health Department Library, Building 7, Clack Health Center, from 8:30 AM until 3:30 PM Monday thru Friday; on the Allegheny County Health Department web site: [www.achd.net](http://www.achd.net); or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8008 no less than 24 hours in advance of the public hearing. Speakers will be limited to five minutes and should bring a written copy of their comments.

The Board will accept written testimony beginning **Wednesday, December 8, 2004**, and concluding **Friday, January 7, 2005**, by mail to:

Board of Health  
3333 Forbes Avenue  
Pittsburgh, PA 15213  
By email to [BOH@achd.net](mailto:BOH@achd.net)  
By Fax to 412-578-8325

SIP/Article XXI Revisions 43 & 55

Certification of Hearing

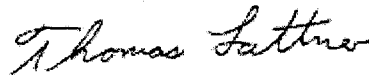
Thomas Lattner deposes and says that he is an Air Pollution Control Engineer in the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on January 7, 2005 on the proposed adoption of changes to the following sections of Article XXI, the Rules and Regulations of the Allegheny County Health Department for Air Pollution Control, and amendments to the County Ordinance No. 16782:

Section 2102.06, "Major Sources Locating in or Impacting a Nonattainment Area;" and

Section 2105.14, "Gasoline Dispensing Facilities - Stage II Control" (both changes to be incorporated as revisions to Allegheny County's portion of the PA State Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards);

that the opportunity for written comments was given in accordance with the requirements of 40 CFR 51.102; that notice of such hearing was given by publication in a newspaper of general circulation on November 30, 2004; and to the best of his knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

Thomas Lattner  
Air Pollution Control Engineer  
Air Quality Program  
Allegheny County Health Department



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Date 1-11-05

**Comment And Response Document For The Proposed SIP Revision 43  
Gasoline Dispensing Facilities - Stage II Control  
January 7, 2005 Public Hearing**

1. **Comment:** The PA DEP reviewed the proposed regulatory language for conformity with the state's regulations found at 25 *Pa. Code* Section 129.82, and offers these comments on Section 2105.14.a, "Applicability":
  - a.) The proposed wording "based on two year averaging periods" may be less stringent than the Department's regulation. This wording may imply that a new facility could wait up to two years after start-up to determine whether Stage II controls are needed. It is recommended that the language "based on two year averaging period" be deleted from the proposed Stage II regulations.
  - b.) The reference to the Clean Air Act (42 U.S.C.A. Section 7625c) is incorrect. The "c" should be enclosed by parentheses as in the following cite: (42 U.S.C.A. Section 7625(c)).

**Commenter:** Joyce E. Epps, Director, Bureau of Air Quality, PA Department of Environmental Protection.

**Response:** The recommended changes have been made.

No other comments were received.

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**Revision 55**

**Incorporation of 40 CFR Part 51 Appendix W Modeling Requirements**

**Allegheny County Health Department  
Rules and Regulations**

**Article XXI, Air Pollution Control**

**§2102.06, Major Sources Locating in or Impacting a Nonattainment Area**

Revision 55

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1. Changes to Article XXI Rules and Regulations:

Incorporation of 40 CFR 51 Appendix W Modeling Requirements into §2102.06, "Major Sources Locating in or Impacting a Nonattainment Area."

2. Support Document

3. Documentation of Public Hearing and Certifications

Public hearing notice  
Transmittals of hearing notice to EPA & PA DEP (later)  
Proof of publication of notice of hearing (later)  
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Summary of Comments and responses  
Certification of approval and adoption (*Added after County Approval*)



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- 1. Changes to Allegheny County Health Department Rules and Regulations  
Article XXI, Air Pollution Control**  
**Incorporation of 40 CFR 51 Appendix W Modeling Requirements  
Into**  
**§2102.06, Major Sources Locating in or Impacting a Nonattainment Area**

Additions are shown in larger bold font and underlined.

**§2102.06 MAJOR SOURCES LOCATING IN OR IMPACTING A NONATTAINMENT AREA**

{Paragraph b.2 & Subparagraphs b.4.C & D amended and Paragraph a.4 & Subsection f added September 6, 1995, effective October 20, 1995; Subsection g added \_\_\_\_\_, effective \_\_\_\_\_}

- a. **Applicability. ....**
- b. **Conditions for Approval. ....**
- c. **Temporary Sources. ....**
- d. **Fuel Switches. ....**
- e. **Analysis of Alternatives. ....**
- f. **Economic Development Zones. ....**
- g. **Requirements for Modeling. Where air quality models are used to meet the provisions of this Section, modeling shall be based on the applicable models and other requirements specified in 40 CFR Part 51 Appendix W (Guideline on Air Quality Models). Where an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model may be substituted only on a case-by-case basis at the Department's discretion upon written approval by the Administrator of EPA. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures set forth in 40 CFR 51.102.**

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**Support Document**

## **Technical Support**

40 CFR Part 51, Subpart I, "Review of New Sources and Modifications," addresses the need for state implementation plans to include procedures that discuss the dispersion or other air quality modeling used to meet the requirements of the subpart. Specifically, the requirements are that all applications of air quality modeling shall be based on applicable models and other requirements specified in 40 CFR 51 Appendix W (Guideline on Air Quality Models), or a modified Appendix W or substitute thereof, that has been approved by the EPA Administrator.

To accomplish this SIP requirement, Article XXI §2102.06, "Major Sources Locating in or Impacting a Nonattainment Area," is being revised here to incorporate the requirements of 40 CFR 51.160.f in a new Subsection 2102.06.g, "Requirements of Modeling."

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**Documentation of Public Hearing and Certifications**

*(The following are added after the Public Hearing:)*

Public hearing notice  
Transmittals of hearing notice to EPA & PA DEP (later)  
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Upon County approval, the amendments will be submitted to the U.S. EPA as a revision to Pennsylvania's State Implementation Plan.

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SIP/Article XXI Revisions 43 & 55

Certification of Hearing

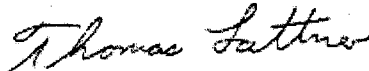
Thomas Lattner deposes and says that he is an Air Pollution Control Engineer in the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on January 7, 2005 on the proposed adoption of changes to the following sections of Article XXI, the Rules and Regulations of the Allegheny County Health Department for Air Pollution Control, and amendments to the County Ordinance No. 16782:

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that the opportunity for written comments was given in accordance with the requirements of 40 CFR 51.102; that notice of such hearing was given by publication in a newspaper of general circulation on November 30, 2004; and to the best of his knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

Thomas Lattner  
Air Pollution Control Engineer  
Air Quality Program  
Allegheny County Health Department



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Date 1-11-05

**Comment And Response Document For The Proposed SIP Revision 55  
Incorporation of 40 CFR Part 51 Appendix W Modeling Requirements  
January 7, 2005 Public Hearing**

No comments were received.



## **§2105.14 GASOLINE DISPENSING FACILITIES - STAGE II CONTROL**

*{Subsection b amended September 6, 1995, effective October 20, 1995}*

*Section revised Month/Date 2005, effective ...}*

- a. **Applicability.** This Section applies to gasoline dispensing facilities ~~owned or operated by independent small business marketers of gasoline, or the equivalent, as defined under Section 325 of the Clean Air Act, with monthly gasoline throughput of 50,000 gallons or more, and to all other gasoline dispensing facilities with monthly gasoline throughput of 10,000 gallons or more.~~ with throughputs greater than 10,000 gallons per month. In the case of independent small business marketers of gasoline, as defined in Section 324 of the Clean Air Act (42 U.S.C.A. §7625(c)), this Section does not apply if the throughput is less than 50,000 gallons per month.
- b. **Requirement for Stage II Control.** After the date specified in Subsection c, an owner or operator of a gasoline dispensing facility subject to this Section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 95% by weight, of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and the captured vapors are returned to a vapor tight holding system or vapor control system.
- c. **Compliance Schedule.**
1. Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.
  2. Facilities which dispense greater than or equal to 120,000 gallons of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall have achieved compliance by July 1, 1999.
  3. Facilities which dispense greater than 90,000 gallons per month but less than 120,000 gallons per month based on average monthly sales during calendar years 1995 and 1996 shall have achieved compliance by December 31, 2000.
- d. **Definition.** For the purposes of this Section, the term "construction" includes, but

is not limited to, the addition or replacement of one or more underground gasoline storage tanks.

**e. b. Prohibition. General Requirements.** ~~No owner or operator of a gasoline dispensing facility subject to this Section shall transfer, or allow the transfer of, gasoline into a motor vehicle fuel tank on or after the effective date of this Section unless:~~ Owners or operators, or both, of gasoline dispensing facilities subject to this Section shall:

~~1. The dispensing facility is equipped with a DEP approved and properly operating and maintained Stage II vapor recovery and control system that collects at least 90 percent, or such higher percentage as is required under Section 182 of the Clean Air Act, by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight holding system or vapor control system; and~~

1. Install necessary Stage II vapor collection and control systems, provide necessary maintenance and make modifications necessary to comply with the requirements.

~~2. The owner or operator, or both, has, at all times:~~

~~A. Within the past six (6) months, provided adequate training and written instructions to the operator of the affected gasoline dispensing facility to assure proper operation of the system;~~

2. Provide adequate training and written instructions to the operator of the affected gasoline dispensing facility to assure proper operation of the system.

~~B. Immediately removed from service and tagged as defective any defective nozzle or dispensing system;~~

~~C. Not returned any defective nozzle or dispensing system to service nor returned any defective component to service until the defective component is replaced or repaired and, if such nozzle or system was found to not be properly tagged under this Section during an inspection by the Department, until such return to service is approved by the Department in writing;~~

3. Immediately remove from service and tag any defective nozzle or dispensing system until the defective component is replaced or repaired. A component removed from service may not be returned to service until the defect is corrected. If the Department finds that a defective nozzle or dispensing system is not properly tagged during an inspection, the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.

- 4.D. Conspicuously posted operating instructions for the system in the gasoline dispensing area which, at a minimum, include:
- A. i. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site;
  - B. ii. A warning that continued attempts to dispense gasoline after the system indicates that the vehicle fuel tank is full may result in spillage or recirculation of the gasoline into the vapor collection system; and
  - C. iii. A telephone number established by the Department for the public to report problems experienced with the system; and

5. Comply with the functional testing and certification requirements specified in EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act to meet the Clean Air Act requirements, conduct Department approved efficiency tests upon installation, addition, or replacement of one or more underground storage tanks, and conduct compliance tests at intervals thereafter according to the following schedule:

- A. For vapor balance systems, a pressure decay or leak test once every 5 years, a dynamic back-pressure test once every 5 years, and a blockage test once every 5 years; or
- B. For vacuum-assist systems, including Healy systems, a pressure decay or leak test once every 12 months, and an air to liquid volume ratio test once every 12 months; or
- C. For all other systems, tests and a testing schedule as approved by the Department.

6.E. Maintained written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of system test results, monthly throughput, type and duration of any failures of the system, and maintenance and repair activities, training, and compliance records. The records shall be kept for the past at least two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date.

f.e. **Exception.** The requirements of this Section shall not be effective unless such requirements are specifically mandated by controlling federal or state laws or regulations. Any rescission of the controlling federal and state laws and regulations mandating these requirements, or the suspension of enforcement of the same, shall result in the immediate suspension of the requirements of this Section by the Department.