

No. 12-21-RE

A RESOLUTION

A Resolution of the Council of the County of Allegheny ratifying Air Quality permit application and permit fee increases approved by the Allegheny County Health Department pursuant to the Allegheny County Code of Ordinances, Sections 505-16E, 505-17G, 505-23F, 505-25E(2)(C), 505-28A(7), 505-48(4)(b), and 505-49C(8)(h)[6].

Whereas, Allegheny County, pursuant to the Local Health Administration Law, 16 P.S. §§ 12001-12028, created the Allegheny County Health Department, and the Allegheny County Board of Health; 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, Sections 2102.03.e, 2102.04.g, 2102.10.i, 2103.14.b.3, 2103.40.j, 2105.51.d.2, and 2105.62.h.8.F of Article XXI of the Allegheny County Health Department Rules and Regulations, provide that the Allegheny County Board of Health may set, with approval by the Allegheny County Council, the fee for air permit applications and permits; and

Whereas, Sections 2102.03.e, 2102.04.g, 2102.10.i, 2103.14.b.3, 2103.40.j, 2105.51.d.2, and 2105.62.h.8.F of Article XXI of the Allegheny County Health Department Rules and Regulations have been ratified as ordinances by Allegheny County Council and codified as part of the Allegheny County Code of Ordinances at Sections 505-16E, 505-17G, 505-23F, 505-25E(2)(C), 505-28A(7), 505-48(4)(b), and 505-49C(8)(h)[6]; and

Whereas, on March 3, 2021 the Allegheny County Board of Health approved the attached Proposed Air Quality Fee Changes for permit applications and permits; and

Whereas, it is the desire of Council to ratify the Air Quality permit application and permit fee increases 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 Resolution are incorporated by reference in their entirety herein.

Acting pursuant to the Local Health Administration Law, the Allegheny County Home Rule Charter, and the Allegheny County Code of Ordinances, County Council hereby ratifies the Air Program permit fee increases approved by the Allegheny County Board of Health on March 3, 2021 and attached hereto as Exhibit "B," containing therein the amended fee schedule.

SECTION 3. Severability.

If any provision of this Resolution 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 Resolution is hereby repealed so far as the same affects this Resolution.

Enacted in Council, this 6th day of July, 2021.

Council Agenda No. 11896-21.




Patrick Catena
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office July 8th, 2021

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Jennifer M. Liptak
Chief of Staff

LEGISLATIVE SUMMARY

The Allegheny County Health Department (ACHD) Air Quality Program is proposing to amend its regulations to be consistent with the Pennsylvania Department of Environmental Protection (DEP) fee structure. The proposed Article XXI amendments include replacing the annual operating permit administration fee with an annual operating permit maintenance fee and allow the Board of Health to set fee amounts for plantwide applicability limits (PAL), risk assessments, and for requests for determinations. The proposed Article XXI regulations would also allow the ACHD to establish fees for the use of general installation permits and general operating permits.

The related fee schedule establishing the fee amounts for the new and revised fees is set by the Board of Health, but requires approval by the Allegheny County Council. The Board of Health granted final approval of the fee schedule on March 3, 2021.

Proposed Air Quality Fee Changes

The Air Quality Program requests approval of the Allegheny County Council for the following fee schedules. The Allegheny County Board of Health approved these fees at their March 3, 2021 meeting. All Air Quality fees not specifically identified below will remain effective.

Major Source Facilities¹			2021 - 2025	2026 - 2030	2031+
Description of Activity	Section	Current Fee	New Fee	New Fee	New Fee
Installation Permit Application Fee ^{2,6}	2102.10.b.1	\$1,000	\$2,500	\$3,100	\$3,900
Installation Permit – New Source Review ⁶	2102.10.b.4	\$5,300	\$7,500	\$9,400	\$11,800
Installation Permit – Review of NSPS/NESHAPs/MACT (cumulative; 3 standards max) ⁶	2102.10.b.5	\$1,700	\$2,500	\$3,100	\$3,900
Installation Permit – Review of Case-by-Case MACT ⁶	2102.10.b.3	\$8,000	\$9,500	\$11,900	\$14,900
Installation Permit – Prevention of Signif. Deterioration ⁶	2102.10.b.2	\$22,700	\$32,500	\$40,600	\$50,800
Installation Permit – Plantwide Applicability Limit (PAL) ⁶	2102.10.b.6 2102.10.b.7	\$5,300	\$7,500	\$9,400	\$11,800
Installation Permit – Minor Modification	2102.10.c	\$300	\$1,500	\$1,900	\$2,400
Installation Permit – Extension	2102.04.g	\$300	\$750	\$900	\$1,100
Installation Permit – Transfer of Ownership	2102.03.e	\$300	\$750	\$900	\$1,100
Installation Permit – Significant Modification, Ambient Impact Analysis	2102.10.d.2	\$0	\$9,000	\$11,300	\$14,100
Installation Permit – Significant Modification, Reassessment of control technology	2102.10.d.1	\$0	\$2,500	\$3,100	\$3,900
Major Source Operating Permit Application, New	2103.40.a.1	\$750	\$5,000	\$6,300	\$7,900
Major Source Operating Permit – Renewal/Reissuance	2103.40.a.1	\$750	\$4,000	\$5,000	\$6,300
Major Source Operating Permit – Minor Modification	2103.40.a.1	\$750	\$1,500	\$1,900	\$2,400
Major Source Operating Permit – Signif. Modification	2103.40.a.1	\$750	\$4,000	\$5,000	\$6,300
Major Source Operating Permit – Admin. Amendment	2103.14.b.3	\$375	\$1,500	\$1,900	\$2,400
Major Source Operating Permit – Transfer of Ownership	2102.03.e	\$375	\$1,500	\$1,900	\$2,400
Major Source Operating Permit – Annual Administrative/Maintenance Fee	2103.40.c	\$750	\$8,000	\$10,000	\$12,500
“Co-located Major Source” – Annual Administrative/Maintenance Fee ³	2103.40.c	\$375	\$2,000	\$2,500	\$3,100
Major Source Operating Permit – Plantwide Applicability Limit (PAL)	2103.40.e 2103.40.f	\$0	\$10,000	\$12,500	\$15,600

Non-Major Source Facilities Account

			2021 - 2025	2026 - 2030	2031+
Description of Activity	Section	Current Fee	New Fee	New Fee	New Fee
Installation Permit Application Fee ^{2,6}	2102.10.b.1	\$1,000	\$2,500	\$3,100	\$3,900
Installation Permit – Review of NSPS/NESHAPs/MACT (cumulative; 3 standards max) ⁶	2102.10.b.5	\$1,700	\$2,500	\$3,100	\$3,900
Installation Permit – Minor Modification	2102.10.c	\$300	\$1,500	\$1,900	\$2,400
Installation Permit – Extension	2102.04.g	\$300	\$750	\$900	\$1,100
Installation Permit – Transfer of Ownership	2102.03.e	\$300	\$750	\$900	\$1,100
Installation Permit – Significant Modification, Ambient Impact Analysis	2102.10.d.2	\$0	\$9,000	\$11,300	\$14,100
Installation Permit – Significant Modification, Reassessment of control technology	2102.10.d.1	\$0	\$2,500	\$3,100	\$3,900
Non-Major Source Operating Permit Application, New	2103.40.a.1	\$375	\$2,500	\$3,100	\$3,900
Non-Major Source Operating Permit – Renewal and Reissuance	2103.40.a.1	\$375	\$2,100	\$2,600	\$3,300
Non-Major Source Operating Permit – Minor Modification	2103.40.1	\$375	\$1,500	\$1,900	\$2,400
Non-Major Source Operating Permit – Significant Modification	2103.40.a.1	\$375	\$2,000	\$2,500	\$3,100
Non-Major Source Operating Permit – Admin. Amendment	2103.14.b.3	\$375	\$1,500	\$1,900	\$2,400
Non-Major Source Operating Permit – Transfer of Ownership	2101.03.e	\$375	\$1,500	\$1,900	\$2,400
Non-Major Source Operating Permit – Annual Administration/ Maintenance Fee	2103.40.c	\$375	\$2000	\$2500	\$3100
Non-Major Source Operating Permit – Annual Maintenance Fee for Synthetic Minor Facility	2103.40.c	\$375	\$4,000	\$5,000	\$6,300
"Small Minor Source" – Annual Operating Permit Maintenance Fee ⁴	2103.40.c	\$375	\$500	\$500	\$500

Requests for Determination.

Other Fees			2021 - 2025	2026 - 2030	2031+
Description of Activity	Section	Current Fee	New Fee	New Fee	New Fee
Risk Assessment Analysis – Inhalation only	2102.10.e.1	\$0	\$10,000	\$12,500	\$15,600
Risk Assessment Analysis – Multi-pathway	2102.10.e.2	\$0	\$25,000	\$31,300	\$39,100
Request for Determination (RFD) Form – At small business stationary source (35 P.S. §4003)	2102.10.f	\$0	\$400	\$500	\$600
RFD – Not a small business stationary source (35 P.S. §4003)	2102.10.f	\$0	\$600	\$800	\$1,000
Abrasive Blasting Annual Permit Administrative Fee ⁵	2105.51.d.2	\$600	\$600	\$600	\$600
Asbestos Abatement Permit Amendment (Secondary Permit) ⁵	2105.62.h.8.A.i (a)(2) 2105.62.h.8.A.ii (a)(2) 2105.62.h.8.D.i (b)	minimum fee amount of \$150 (refer to regulation to calculate fee amount)	minimum fee amount of \$200 (refer to regulation to calculate fee amount)	minimum fee amount of \$200 (refer to regulation to calculate fee amount)	minimum fee amount of \$200 (refer to regulation to calculate fee amount)

Differences from the state fee schedule

- 1) What ACHD names as a “major source” or a source required to have a major source permit, PADEP names as a “Title V source”
- 2) What ACHD names as an “Installation permit”, PADEP names it a “Plan Approval.”
- 3) A “Co-Located Major Source” is any source that meets the definition of “major source” under Article XXI, § 2101.20, based only on the source being located on a contiguous or adjacent property and under common control of another major source. PADEP includes these sources in the parent major source; ACHD works with these sources separately, so they have separate permits.
- 4) For purposes of this fee schedule, a “Small Minor Source” is a minor source that only operates source(s) that would meet the size and conditions of the following General Permits (GP) issued by the Pennsylvania Department of Environmental Protection: (1) “Small Gas & No. 2 Oil Fired Combustion Units” (GP-01); (2) “Diesel or No.2 fuel-fired Internal Combustion Engine(s)” (GP-09); or “Human or Animal Crematories” (GP-14). This is an attempt to bring the fees down to the level the state charges for these general permits.
- 5) The Abrasive Blasting fees are not changing; there is a slight change in the asbestos fee table to correct a previous typographical error (this fee is already in place). The amount of the fees are being removed from the regulations so they may be set by the Board of Health, along with all the other Air permit fees.

Additional notes

- 6) The installation permit fees under Article XXI, § 2102.10.b, are cumulative. This is the same as PADEP.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: June 16, 2021

RE: Proposed Resolution

Attached is a Resolution of the Council of the County of Allegheny Air Quality permit application and permit fee increases approved by the Allegheny County Health Department pursuant to the Allegheny County Code of Ordinances, Sections 505-16E, 505-17G, 505-23F, 505-25E(2)(C), 505-28A(7), 505-48(4)(b), and 505-49C(8)(h)[6].

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.