

No. 23-22-OR

**AN ORDINANCE**

An Ordinance of the Council of the County of Allegheny ratifying amendments to §2102.03, “Permits Generally,” §2102.04, “Installation Permits,” §2103.11, “Operating Permits Applications,” and other sections of the Allegheny County Health Department Rules and Regulations, Article XXI, “Air Pollution Control” related to permit hearing advertising notice and permit petition requirements.

**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 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**, during a regularly scheduled public meeting, the Allegheny County Board of Health adopted by affirmative vote the attached amendments to §2102.03, “Permits Generally,” §2102.04, “Installation Permits,” §2103.11, “Operating Permits Applications,” and other sections of the Allegheny County Health Department Rules and Regulations, Article XXI, “Air Pollution Control” related to permit hearing advertising notice and permit petition requirements;” 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 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 amendments 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.***

This Ordinance shall enter effect immediately upon its approval.

Enacted in Council, this 13<sup>th</sup> day of September, 2022.

Council Agenda No. 12400 - 22.

  
\_\_\_\_\_  
Patrick Catena  
President of Council

Attest:   
\_\_\_\_\_  
Jared Barker  
Chief Clerk of Council

Chief Executive Office September 16<sup>th</sup>, 2022

Approved:   
\_\_\_\_\_  
Rich Fitzgerald  
Chief Executive

Attest:   
\_\_\_\_\_  
Jennifer Liptak  
Chief of Staff

**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

TO: Jared E. Barker  
Allegheny County Council

FROM: William D. McKain CPA  
County Manager

DATE: August 18, 2022

RE: Proposed Ordinance

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Attached is an Ordinance of the Council of the County of Allegheny ratifying amendments to §2102.03, "Permits Generally," §2102.04, "Installation Permits," §2103.11, "Operating Permits Applications," and other sections of the Allegheny County Health Department Rules and Regulations, Article XXI, "Air Pollution Control" related to permit hearing advertising notice and permit petition requirements.

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 ---**

**Portions of Article XXI Related to  
Advertising Notice of Permit Comment Periods and Hearings  
and Permit Petition Requirements**

**LEGISLATIVE SUMMARY**

The Clean Air Act (CAA) requires stationary sources of air pollution to obtain permits and authorizes the EPA to administer and oversee the permitting of such sources. To implement the CAA, the EPA promulgated permitting regulations for construction and operation of major and certain other sources. This included requirements for public notice and availability of supporting information to allow for informed public participation in permit actions.

Newspaper advertisement was the most commonly accepted method for providing notice to the public of permit actions. Over the years, however, the availability of and access to the Internet and other forms of electronic media have increased significantly. One effect of this development is that circulation of newspapers and other print media has declined, making printed newspaper notice less effective in providing widespread public notice of permit actions in many cases.

Given these developments, the EPA now allows that permitting authorities have the option to adopt either e-notice or retain the newspaper noticing method, so long as they are consistent in the method used and indicate the consistent noticing method selected in their permitting rules. EPA also requires that, when a permitting authority adopts e-notice, it also must provide e-access, meaning that the permitting authority must make the draft permit available electronically on its public Web site for the duration of the public comment period.

The ACHD proposed changes to Article XXI meet these EPA provisions. Under this proposed rule change, ACHD will provide for notice on the ACHD's air permitting website as the consistent noticing method. Additionally, Article XXI will specifically provide for an "interested persons distribution list." The public notice for permitting activity will be provided to the interested persons on that distribution list.

Besides the permit noticing changes, the ACHD is revising Article XXI to address new EPA permit petition requirements, to consolidate the sections that incorporate PA DEP noticing requirements, and to make several nomenclature changes.

The proposed revision was the subject of a comment period, including a public hearing held on November 3, 2021. The regulation was approved at a public meeting held by the Allegheny County Board of Health.

Finally, the proposed Article changes will be submitted as a revision to the Allegheny County portion of the Pennsylvania State Implementation Plan.

# **EXHIBIT “A”**

## **REVISION**

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

#### **Portions of Article XXI Related to Advertising Notice of Permit Comment Periods and Hearings and Permit Petition Requirements:**

§2101.20, Definitions

§2102.03, Permits Generally

§2102.04, Installation Permits

§2102.05, Installation Permits for New and Modified Major Sources

§2103.11, Operating Permits (All Major and Minor Permits) Applications

§2103.14, All Major and Minor Permits -- Revisions, Amendments,  
Modifications

§2103.21, Additional Requirements for Major Permits -Applications

§2103.22 Issuance, Standard Conditions

§2103.24, Additional Requirements for Major Permits - Revisions, Amendments,  
Modifications

§2105.31, Waste-Derived Liquid Fuel

(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. 95.)

**Article XXI Revision**  
**Advertising Notice of Permit Comment Periods and Hearings**  
**and Permit Petition Requirements**

**LEGEND:**

Deletions are shown with strikethroughs.

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

**§2101.20 Definitions** {unless specifically indicated, all definitions effective October 20, 1995}

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**"Bulk gasoline terminal"** means a gasoline storage and distribution facility with a daily throughput of 20,000 gallons (76,000 liters) or more of gasoline.

**"Bureau"** means the Allegheny County Health Department Bureau of Environmental Quality **Health**. {Amended mm/dd/2022, effective mm/dd/2022.}

**"Can coating"** means exterior coating and interior spray coating in two-piece can lines, interior and exterior coating in sheet coating lines for three-piece cans, side seam spray coating and interior spray coating in can fabricating lines for three-piece cans, and sealing compound application and sheet coating in end coating lines.

...

**"Encasement"** means any process or application that involves the direct application of any liquid or solid material onto, and in direct contact with, ACM, including but not limited to the application of multi-port self-curing resin systems, in order to totally confine or seal such ACM for purposes of abatement of the potential release of asbestos fibers.

**"EQB" means Pennsylvania's Environmental Quality Board as described in Section 5 of the Pennsylvania Air Pollution Control Act.**  
{Added mm/dd/2022, effective mm/dd/2022.}

**"EPA"** means the Administrator of the United States Environmental Protection Agency or his designee.

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**§2102.03 PERMITS GENERALLY**

*{Paragraph a.1 & d.2 & Subsections i & j amended, and k & l added September 6, 1995, effective October 20, 1995. Subsections b, j, and l amended, and m added mm/dd/2022, effective mm/dd/2022.}*

...

- b. **Issuance.** Unless otherwise specifically provided under Part C, all permits issued pursuant to this Part or Part C of this Article shall be in written form, signed and issued by the Director, the Deputy Director, Bureau of Environmental ~~Quality~~ **Health**, the head of the Division of Air Quality, or the head of the Engineering Section, Bureau of Environmental ~~Quality~~ **Health** Division of Air Quality. **As soon as is practicable, the Department shall post a public notice of all permits issued in accordance with Paragraph m.2.**

...

- j. **General Permits.**
  - 1. Except as otherwise provided under this Subsection, the General Plan Approvals and Operating Permits requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.611 through 127.622 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
  - 2. For purposes of this Article:
    - A. 25 Pa. Code §127.612(a), **shall be met by the requirements of Paragraph m.2 of this Section.** ~~shall only require the publication of the required notice in the Pennsylvania Bulletin and one newspaper of general circulation in the County;~~

...

- 3. Under the regulations incorporated by reference under this Subsection:
  - A. "Plan approval" shall mean Installation Permit;
  - B. "Department" shall mean Department as defined under this Article;
  - C. ~~"Pennsylvania Bulletin" shall mean Pennsylvania Bulletin or a newspaper of general circulation in the County; and~~

**and**



DC. “Facility” shall mean Source.

...

1. **Temporary Sources at Multiple Locations.**

1. Except as otherwise provided under this Subsection, the requirements for Plan Approvals and Operating Permits for Sources Operating at Multiple Temporary Locations promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.631 through 127.642 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

2. For purposes of this Article:

A. 25 Pa. Code §127.632(a), **shall be met by the requirements of Paragraph m.2 of this Section.** ~~shall only require the publication of the required notice in the Pennsylvania Bulletin and one newspaper of general circulation in the County;~~

...

3. Under the regulations incorporated by reference under this Subsection:

A. “Plan approval” shall mean Installation Permit;

B. “Department” shall mean Department as defined under this Article;

**and**

~~C. “Pennsylvania Bulletin” shall mean Pennsylvania Bulletin or a newspaper of general circulation in the County; and~~

DC. “Facility” shall mean Source.

...

**m. Public Notice. Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at:**

**25 Pa. Code §§127.44, 127.45, & 127.51, as they relate to installation permits; 25 Pa. Code §§127.424, 127.425, & 127.431, as they relate to operating permits; 25 Pa. Code §§127.612, as it relates to General Permits; and 25 Pa. Code §632, as it relates to Temporary Sources at Multiple Locations; and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.**

**1. Under the regulations incorporated by reference under this Subsection:**

- A. "Plan approval" shall mean Installation Permit;**
- B. "Department" shall mean Department as defined under this Article;**
- C. "Pennsylvania Bulletin" shall mean the Department's air permitting website; and**
- D. "Facility" shall mean Source.**

**2. Public notice shall be posted on the Department's air permitting website for a minimum of thirty (30) days or the duration of any public comment period. The Department will also provide notice using e-mail or regular U.S. postal service mailing to persons on a distribution list developed by the Department as provided under Paragraph 3.**

**3. Distribution list. The Department shall develop and maintain a subscription distribution list for the purpose of notification of permitting activity.**

## §2102.04 INSTALLATION PERMITS

*{Paragraph a.5 deleted, Paragraphs b.11 & h.2 and Subsection j added, and Subparagraph a.1.B & Subsections g, h, & i amended September 6, 1995, effective October 20, 1995. Subparagraphs a.1.C and new paragraph a.5 added December 12, 2000, effective January 12, 2001. Subsection k added effective April 28, 2004. Subsection g amended March 23, 2012, effective April 3, 2012. Subsection i amended and Subsection j added mm/dd/2022, effective mm/dd/2022.}*

...

### i. **Advance Notice.**

In addition to all other notice requirements under this Part, the Department shall ~~cause to be published~~ **post** a public notice **in accordance with Paragraph 2102.03.m.2** of all permit applications received as soon as is practicable after such applications have been deemed to be complete. At the time of ~~publication~~ **the posting** of such notice, the applicant shall cause a copy of such notice to be sent to all municipalities in which the source for which the application has been submitted is located as required by Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5).

### j. **Public Notice of Draft Installation Permit.**

**The following procedures apply for public notice for draft permits, permit revisions, and permit modifications including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:**

- 1. Notice shall be posted in accordance with Paragraph 2102.03.m.2. The Department may use other means to provide adequate notice to the affected public.**
- 2. The notice shall identify the source and its location; the name and address of the permittee; the name and address of the County Health Department Bureau of Environmental Health; the activity or activities involved in the permit action; the emissions changes involved in any permit modification; the means through which interested persons may obtain additional information from the Department, including copies of the draft permit, the application, all relevant supporting materials, and all other materials available to the Department that are relevant to the permit decision; a brief description of the comment procedures under this Subsection; and the time and place of any hearing**

that may be held. If no public hearing is scheduled, the notice shall include a statement of procedures to request a hearing;

3. The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing, except for minor modification applications which shall only require a 21 day public comment period; and

4. For at least two years following final action on an application, the Department shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public.

j. **Miscellaneous Notice Requirements.**

~~Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.44, 127.45, & 127.51, and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.~~

k. **Restrictions on Sources with Violations.**

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**§2102.05 INSTALLATION PERMITS FOR NEW AND MODIFIED MAJOR SOURCES**

*{Subsections c amended mm/dd/2022, effective mm/dd/2022.}*

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c. **Public Notice and Hearing.** Upon a determination that an Installation Permit application for a new or modified major source meets the requirements of this Article, the Department shall prepare a notice of its ~~proposed approval of the application~~ **draft installation permit** and of a public hearing on such ~~proposed approval~~ **draft installation permit** to the **be** held no sooner than 30 days following ~~publication~~ **the posting** of such notice in accordance with this Subsection. Such notice shall include at a minimum the name of the owner or operator, the type and size of the source, the proposed location, a concise summary of the manner in which the requirements of this Part have been met, an

identification of at least one location within the County where all information submitted in support of the application may be examined by the public, an employee of **a point of contact at** the Department to whom **which** public comments may be sent no later than ten (10) days following the public hearing and to whom **which** requests to testify at the public hearing may be sent within 30 days of the ~~publication~~ **posting** of the notice, and the date, time, and location of the public hearing. The Department shall then:

1. Cause such notice to be ~~published by prominent advertisement in either, at the discretion of the Department, at least two newspapers of general circulation in the County, or at least one newspaper of general circulation in the County and at least one local newspaper of general circulation in the municipality of the proposed location, for at least one day in each newspaper~~ **posted in accordance with Paragraph 2102.03.m.2.** ~~The applicant shall pay for the cost of all publications and certifications under this Paragraph;~~
2. Cause copies of the notice to be mailed to the Regional Administrator of the EPA, the Chairman of the Allegheny County Air Pollution Control Advisory Committee, the Chairman of the Allegheny County Board of Health, the appropriate agencies or departments of affected states, such other regional and local government units as specified by the Department, and to persons on a **distribution** list ~~developed by the Department~~ **as provided under Subsection 2102.03.m of this Article,** ~~including residents of the County who specifically request in writing to be on the list;~~
3. Retain all information submitted in support of the permit application in at least one location in the County and make all such information available for public inspection;
4. Provide copies of the Department's notice to any person who requests it; and
5. Obtain facilities for a public hearing to be held by the Department, at a place, date, and time determined in advance by the Department, and cause such hearing to be stenographically transcribed and a copy thereof to be furnished to the Department. The applicant shall pay for the cost of all public hearings and transcripts under this Paragraph.

## §2103.11 APPLICATIONS

*{Paragraph a.2 & Subsections b, d, e, f, & g amended & h added September 6, 1995, effective October 20, 1995. Subsections e, & f amended mm/dd/2022, effective mm/dd/2022.}*

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### **ge. Advance Notice.**

In addition to all other notice requirements under this Part, the Department shall ~~cause to be published~~ **post** a public notice **in accordance with Paragraph 2102.03.m.2** of all permit applications received as soon as is practicable after such applications have been deemed to be complete. At the time of publication **the posting** of such notice, the applicant shall cause a copy of such notice to be sent to all municipalities in which the source for which the application has been submitted is located as required by Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5).

### **ef. Public Notice of Preliminary Approval Draft Operating Permit.** All permit proceedings under this Subpart, including initial permit issuance, modifications, and renewals, shall include the following procedures for public notice including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:

1. Notice shall be given: ~~by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice; and by other means if deemed necessary by the Department to assure adequate notice to the affected public~~ **by posting the public notice in accordance with Paragraph 2102.03.m.2. The Department may use other means to provide adequate notice to the affected public;**
2. The notice shall identify the source and its location; the name and address of the permittee; the name and address of the County Health Department Bureau of Environmental ~~Quality~~ **Health**; the activity or activities involved in the permit action; the emissions changes involved in any permit modification; the ~~name, address, and telephone number of a Department representative from whom~~ **means through which** interested persons may obtain additional information **from the Department**, including copies of the draft permit, **the statement required by Paragraph 2103.21.c.3 of this Article for the draft permit**, the application, the compliance plan, monitoring and compliance certifications, all relevant supporting materials, and all other materials available to the Department **(except for publicly-available materials and publications)** that are relevant to the permit decision; a brief description of the comment

procedures under this Subsection; and the time and place of any hearing that may be held. ~~and~~ If no public hearing is scheduled, the notice shall include a statement of procedures to request a hearing;

3. The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing, except for minor modification applications which shall only require a 21 day public comment period; and
4. For at least two years following final action on an application, the Department shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public.

**fg. Final Action.**

Unless otherwise specifically provided under this Part, **the Department shall take final action** within 18 months of the date of a submittal of a complete application, including all applicable fees, for an Operating Permit under this Subpart, including applications for permit modifications and renewals, ~~the Department shall take final action on such application, except that for~~ **For** initial permit applications submitted under **the historical requirements of** Section 2103.01, **“Transition,”** of this Part, the Department shall take final action on such application within 18 months of a complete submittal of an application or within the specific applicable deadline set forth under Section 2103.01, whichever is later. A failure by the Department to take action in accordance with this Subsection constitutes a final action by the Department for the sole purpose of being appealable. The Court of Common Pleas may require that the Department take action on an application without further delay.

**[Subsection 2103.11.g (“Advance Notice”) was moved to subsection 2103.11.e, above]**

**~~h. — Miscellaneous Notice Requirements.~~**

~~— Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.424, 127.425, & 127.431, and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.~~

**§2103.14 REVISIONS, AMENDMENTS, MODIFICATIONS**

*{Subparagraphs a.1.A, B, & D, b.1.D & E, Paragraphs b.2 & 4, and Subsection c amended, Subparagraph b.1.F deleted, & Paragraphs b.6 & 7 and Subsection e added September 6, 1995, effective October 20, 1995. Paragraphs c.1, 3, 4 & 6 and e.5 amended December 12, 2000, effective January 12, 2001. Subsections b, c, & e amended mm/dd/2022, effective mm/dd/2022.}*

...

b. **Administrative Permit Amendment Procedures.** An administrative permit amendment may be made by the Department consistent with the following:

...

6. The Department will take final action on the administrative amendment and ~~publish~~ **will post** public notice of the final action **in accordance with Paragraph 2102.03.m.2.**

...

c. **Minor Permit Modification Procedures.**

...

3. At the time of submission of the application for a minor permit modification, the owner or operator shall notify the municipality where the source is located under Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5), and shall also ~~publish~~ **submit to the Department** a notice ~~in a local newspaper of general circulation~~ briefly describing the change including a change in actual emissions, of any air contaminant that would occur as a result of the change. **The Department will post the notice in accordance with Paragraph 2102.03.m.2.**

...

8. The Department will take final action on the proposed change within 60 days of receipt of the complete application for the minor permit modification and, after taking final action, will ~~publish~~ **post** public notice of the action **in accordance with Paragraph 2102.03.m.2.**



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e. **De minimis Emission Increases.**

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9. The Department will maintain a list of de minimis increases authorized by this Subsection in the permit file for the source and shall ~~publish~~ **post, in accordance with Paragraph 2102.03.m.2, for a minimum of thirty (30) days** a public list of the de minimis increases within 60 days of the receipt of notice for the source.

## §2103.21 APPLICATIONS

*{Subsection b amended and Subsection e added September 6, 1995, effective October 20, 1995. Paragraph c.2, and Subsection e amended August 29, 2013, effective September 23, 2013. Subsection a, c & e amended mm/dd/2022, effective mm/dd/2022.}*

a. Generally.

1. If required by federal regulation or a federally approved provision under this Article, within 30 days after receipt of a complete application, with the appropriate fee, for an Operating Permit under this Subpart, including any **significant or minor** permit modification, the Department shall provide a copy of such submission to the Administrator.

...

c. **Public Notice of Preliminary Approval Draft Operating Permit.** Except for administrative permit amendments, all permit proceedings under this Subpart, including initial permit issuance, modifications, and renewals, shall include the following procedures for public notice including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:

1. Notice shall be given by the Department: ~~by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice~~ **by posting the public notice and each draft permit in accordance with Paragraph 2102.03.m.2;** ~~to persons on a mailing list developed by the Department, including residents of the County who specifically request in writing to be on the list;~~ to all affected States; to the Administrator; and by other means if deemed necessary by the Department to assure adequate notice to the affected public. Such public notice shall indicate that such notice is also being made to the Administrator. Notices to the Administrator and affected states shall be issued on or before the date of ~~publication~~ **the posting** of the required public notice;
2. Unless exempted by federal regulation or a federally approved provision under this Article, or resubmittal requirements of Subsection 2103.21.e, the Department shall also provide to the Administrator a copy of the draft permit, and such draft permit shall constitute a proposed permit for purposes of commencing the Administrator's 45 day review period;
3. The Department shall provide a statement that sets forth the legal and factual basis for the draft permit conditions, including references to the applicable statutory or regulatory provisions. The Department shall send a copy of this statement to EPA and to any other person who submits to the Department in writing an express request for a copy of such statement for a specific permit;

4. The Department shall keep a record of the commenters and ~~also~~ of the issues raised during the public participation process, **as well as records of the written comments submitted during that process,** to determine whether a citizen petition may be granted, and such records shall be available to the public.

**5. The Department must respond in writing to all significant comments raised during the public participation process, including any such written comments submitted during the public comment period and any such comments raised during any public hearing on the permit. The Department shall provide to the Administrator the written response to comments and an explanation of how those public comments and the permitting authority's responses are available to the public.**

...

e. Resubmittal to EPA. The Department shall resubmit to the Administrator any ~~proposed~~ **draft** permit to which **the Department receives significant comment during the public participation process** ~~substantive comments~~ or material substantive changes have been made as a result of comments received by the Department. **The Department shall also include with the resubmitted draft permit the statement required by Paragraph c.3 of this Section and the written response to comments and supporting materials required under Paragraph c.5 of this Section.** ~~This resubmittal shall commence~~ **T**he Administrator's 45 day review period **for this proposed permit will not begin until such materials have been received by the EPA.**

**§2103.22 ISSUANCE, STANDARD CONDITIONS**

*{Paragraph c.1 & Subsection j amended & Subsection k added September 6, 1995, effective October 20, 1995. Subsection l added January 22, 1998, effective March 31, 1998. Subsections b & c amended mm/dd/2022, effective mm/dd/2022.}*

- b. **EPA Objection.** If the Administrator objects in writing to issuance of the permit within 45 days of receipt of the proposed permit and all necessary supporting information **required under Subsection 2103.21.c of this Article**, in accordance with 40 CFR §70.8(c), the Department shall, within 90 days after the date of such an objection, propose a revised permit in response to the objection in accordance with the requirements for proposal of such a permit under this Part.

...

- c. **Public Petitions to the Administrator.**

- 1. If the Administrator does not object to the issuance of a permit in writing under Subsection b of this Section, any person may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection, except that any such petition shall be based only on objections to the permit that were raised by the petitioner with reasonable specificity during the public comment period provided for under this Part, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. **The petitioner shall provide a copy of such petition to the Department and the applicant.**
- 2. If the Administrator objects to a permit as a result of a petition filed under this Subsection, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the Department has issued a permit prior to receipt of an EPA objection under this paragraph, the Department shall thereafter issue only a revised permit that satisfies EPA's objection, but the source shall not be in violation of the requirement to have submitted a timely and complete application.

**§2103.24 REVISIONS, AMENDMENTS, MODIFICATIONS**

*{Subsection c deleted September 6, 1995, effective October 20, 1995. New subsection c added December 12, 2000, effective January 12, 2001. Subsection c amended mm/dd/2022, effective mm/dd/2022.}*

...

**c. Minor Permit Modification Procedures**

Sources subject to this subpart may make minor permit modifications on an expedited basis under this Subsection.

...

2. Within 5 working days of receipt of a complete permit modification application, the owner or operator shall notify the municipality where the source is located under Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5), all affected states, and the EPA of the requested permit modification. At the time of submission of the application for a minor permit modification, the owner or operator shall also ~~publish~~ **submit to the Department** a notice ~~in a local newspaper of general circulation~~ briefly describing the change, including a change in actual emissions of any air contaminant that would occur as a result of the change. **The Department will post the notice in accordance with Paragraph 2102.03.m.2.** Such notice shall clearly indicate that a person may comment to the Department and the source concerning the proposed change within 21 days from the date of ~~submission of the proposed minor permit modification to the Department~~ **the posting of the notice.**

...

7. The Department, after taking final action, will ~~publish~~ **post on the Department's air permitting website for a minimum of thirty (30) days** public notice of the action **in accordance with Paragraph 2102.03.m.2.**

**§2105.31 WASTE-DERIVED LIQUID FUEL**

*{Paragraphs b.7 & e.6 restored May 7, 1998, effective May 15, 1998. Subsection e amended mm/dd/2022, effective mm/dd/2022.}*

...

e. **Alternative Standards and Procedures.**

...

3. Should the Department preliminarily approve a request under this Subsection, the Department shall give public notice of the request for and preliminary approval of the alternative standard or procedure with:
  - A. Such notice to include:
    - i. The name and address of the owner or operator;
    - ii. A description of the equipment;
    - iii. The address of the location of the equipment;
    - iv. A summary of the reason for the request and justification for the alternative standard or procedure;
    - v. The address of the Department;
    - vi. The date, 30 days from the date of the ~~publication~~ **posting** of this notice, until which the Department will receive public comments concerning the preliminary approval of the alternative standard or procedure; and
  - B. Such notice to be ~~published in a newspaper of general circulation in Allegheny County, Pennsylvania,~~ **posted in accordance with Paragraph 2102.03.m.2** ~~for one~~ no later than ten (10) days after the preliminary approval is made by the Department.
4. After any public comment period required by Paragraph 3. of this Subsection, the Department may determine, at its sole discretion, that a public hearing is required before approving or denying a request under this Subsection, and if such a hearing is determined to be required, the Department shall give public notice of such hearing in such manner as is deemed appropriate by the Department.

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*End of Regulation Changes*