

No. 33-05-OR

Bill No. 1960-05

AN ORDINANCE

An Ordinance of the County of Allegheny amending Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, incorporating 40 CFR 51 Appendix W Modeling Requirements into Section 21.06, Major Sources Locating in or Impacting a Nonattainment Area.

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 incorporate 40 CFR 51 Appendix W Modeling Requirements into Section 21.06, Major Sources Locating in or Impacting a Nonattainment Area 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 a unanimous vote at a publicly advertised meeting on March 2, 2005, adopted the attached amendment to its Article XXI that would incorporate 40 CFR 51 Appendix W Modeling Requirements into Section 21.06, Major Sources Locating in or Impacting a Nonattainment Area; 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 Article XXI to the Allegheny County Chief Executive, with the recommendation that the County should approve the amendment; and

Whereas, the Allegheny County Chief Executive has submitted this Ordinance to Allegheny County Council for its consideration.

The Council of the County of Allegheny hereby enacts as follows:

Section 1.

Council Approval of Amendment to Article XXI of Health Department Rules and Regulations.

Pursuant to a request from the Chief Executive, County Council does hereby approve the amendment of Section 2102.06 of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, adopted by the Board on March 2, 2005 that is attached to this Ordinance. Upon execution of this Ordinance by the Chief Executive, the amendment of Section 2102.06 of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control shall be adopted by Allegheny County.

Section 2.

Submission of Amendment to Article XXI to Appropriate State and Federal Authorities.

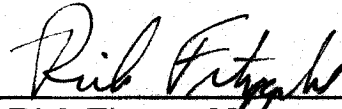
The Director, on behalf of the Board, is hereby authorized to submit the attached amendment to Article XXI changes to the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.

SECTION 3. *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 be in full force and effect.*

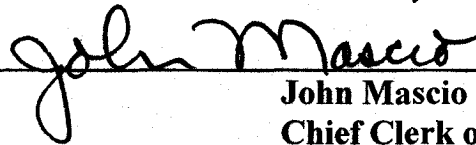
SECTION 4. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 7th day of June, 2005

Council Agenda No. 1960-05

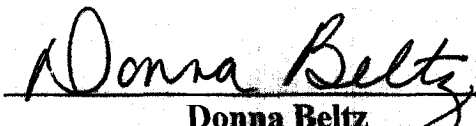


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office June 13, 2005

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive's Secretary

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 _____}

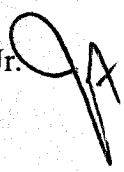
- a. **Applicability.**
- b. **Conditions for Approval.**
- c. **Temporary Sources.**
- d. **Fuel Switches.**
- e. **Analysis of Alternatives.**
- f. **Economic Development Zones.**
- g. Requirements for Modeling. Where air quality models are used to meet the provisions of this Section, modeling shall 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.**

Summary

This ordinance will amend the Allegheny County Health Department's Rules and Regulations to incorporate 40 CFR 51 Appendix W Modeling Requirements into Section 21.06, Major Sources Locating in or Impacting a Nonattainment Area in order to reduce emissions and their possible harmful effects on the public health.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: April 28, 2005

RE: Proposed Ordinance

Attached is an Ordinance amending Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, incorporating 40 CFR 51 Appendix W Modeling Requirements into Section 21.06, Major Sources Locating in or Impacting a Nonattainment Area.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.