

Bill No. 8424-14

No. 17-14-OR

AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

Whereas, Allegheny County, pursuant to the Local Health Administration Law, 16 P.S. §12001 et seq., created the Allegheny County Health Department, and the Allegheny County Board of Health; and

Whereas, the Local Health Administration Law at Section 12011 provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

Whereas, on July 2, 2014, the Allegheny County Board of Health adopted the attached amendments 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 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.

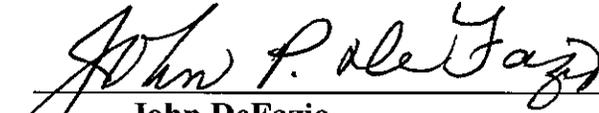
Acting pursuant to the Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the specific amendments to Article XXI, entitled "AIR POLLUTION CONTROL," of the Allegheny County Health Department Rules and Regulations as set forth in the document attached 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 Ordinance 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 Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this 5th day of November, 2014

Council Agenda No. 8424 - 14


John DeFazio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office November 13, 2014

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
Sonya Dietz
Executive's Secretary

Executive Summary

Three Article XXI Regulation Revisions

The ACHD Air Quality Program is proposing to update its regulations regarding three separate sections of Article XXI:

- §2102.06.f, “Nonattainment New Source Review Regulations – Requirements for Modeling.” Language regarding the use of a modified or substituted air quality model - which was deleted by a previous regulatory change – is being restored, since it is federally required.
- §2105.21.e.6, “Coke Ovens and Coke Oven Gas – Pushing.” Language that applied this paragraph of Article XXI as a contingency measure for the PM2.5 SIP for the Liberty Borough/Clairton area is being deleted, because the latest version of the SIP does not require this contingency measure.
- §2103.41, Emission Fees.” Revised language will allow the ACHD to collect the emission fees for major sources at the same amount set by the Pennsylvania Department of Environmental Protection in 25 Pa. Code.

None of these is a SIP revision.

Exhibit “A”

A. Proposed Article XXI Revision – Nonattainment New Source Review

Deletions are shown with strikethroughs.
Additions are shown in larger font, bolded, and underlined.

...

§2102.06 MAJOR SOURCES LOCATING IN OR IMPACTING A NONATTAINMENT AREA

- a. **Applicability.** This Section shall apply to any new major facility, as defined by 25 PA Code 121.1 and to any major modification of an existing source which is located in a nonattainment area or transport region of the County or which will have a significant air quality impact on any nonattainment area or transport region. Procedures in 25 Pa. Code 127.203a shall be followed in determining whether any modification at a major source is determined to be a major modification.

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- f. **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.**

B. Proposed Article XXI Revision – Coke Oven Pushing

Deletions are shown with strikethroughs.
Additions are shown in larger font, bolded, and underlined.

SUBPART 2 - SLAG, COKE, AND MISCELLANEOUS SULFUR SOURCES

§2105.21 COKE OVENS AND COKE OVEN GAS

{portions effective August 15, 1997, the remainder effective February 1, 1994; Paragraph e.6 added June 22, 1995, effective July 11, 1995 and amended May 14, 2010 effective May 24, 2010; §2105.21.b, e, and h amended effective August 15, 1997; Subsection f amended February 12, 2007 effective April 1, 2007. Subsection i added August 29, 2013, effective September 23, 2013. Paragraph e.6 amended mmd2014, effective mmd2014.}

- e. **Pushing.** No person shall operate, or allow to be operated, any battery of coke ovens unless there is installed on such battery a pushing emission control device which is designed to reduce fugitive emissions from pushing to the minimum attainable through the use of BACT, nor shall any person operate, or allow to be operated any battery of coke ovens in such manner that:
- ...
6. For any of the following batteries, at any time, the hot coke fails to be held under the hood of the pushing emission control (**PEC**) device for at least 67 seconds immediately after the pusher ram begins to move and the damper to the ~~PER~~ **PEC** device is opened or for at least 15 seconds immediately following the fall of the last of the coke into the hot car, whichever is longer:

SPECIFIC COKE OVEN BATTERIES

	<u>Source Name</u>	<u>Location</u>
A.	Coke Battery #1	USX Corp. Clairton, PA
B.	Coke Battery #2	USX Corp. Clairton, PA
C.	Coke Battery #3	USX Corp. Clairton, PA
D.	Coke Battery #7	USX Corp. Clairton, PA
E.	Coke Battery #8	USX Corp. Clairton, PA
F.	Coke Battery #9	USX Corp. Clairton, PA
G.	Coke Battery #13	USX Corp. Clairton, PA
H.	Coke Battery #14	USX Corp. Clairton, PA
I.	Coke Battery #15	USX Corp. Clairton, PA
J.	Coke Battery #19	USX Corp. Clairton, PA
K.	Coke Battery #20	USX Corp. Clairton, PA

except that this Paragraph shall only be effective during the period from 30 days following the issuance of a written notice by the Department to the owner or operator of such battery that EPA has required the implementation of the contingency measures under either the portion of the PM-10 SIP or the PM-2.5 SIP for the Liberty Borough/Clairton area, until issuance of a written notice by the Department that such measures are no longer required.

C. Proposed Article XXI Revision – Operating Permit Fees

Deletions are shown with strikethroughs.
Additions are shown in larger font, bolded, and underlined.

SUBPART 4 - OPERATING PERMIT FEES

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§2103.41 EMISSIONS FEES

{Subsections a & c & Paragraph b.2 amended, and Paragraph b.1 added September 6, 1995, effective October 20, 1995; Subsections a & b amended May 7, 1998, effective May 15, 1998}

a. Annual Major Source Emissions Fee Requirements.

1. ~~Except as otherwise provided herein, the~~ **The** owner or operator of a source that requires a major Operating Permit pursuant to §2103.20 of this Article shall pay an Annual Major Source Emission Fee of ~~\$37~~ **in the amount** per ton **set by the Department of Environmental Protection (DEP) under the regulations implementing the Air Pollution Control Act at 25 Pa. Code §127.705.a** for each ton of a regulated pollutant actually emitted from the source. Provided, however, that the owner or operator shall not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the source.
2. ~~From the effective date of this Section through 1999, the owner or operator of a phase I affected unit or an active substitution unit as defined by Title IV of the Clean Air Act (42 U.S.C.A. Secs. 7661-7661f) shall pay an annual emission fee of \$14 per ton for each ton of regulated pollutant actually emitted from the unit. Provided, however that the owner or operator shall not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the source. Beginning in the year 2000, sources covered by this Paragraph shall pay the fees established in Paragraph a.1 above. The other provisions of this Paragraph notwithstanding, the owner or operator of a phase I affected unit or an active substitution unit as defined by Title IV of the Clean Air Act (42 U.S.C.A. Secs. 7661-7661f) shall not be required to pay more than \$148,000 plus the increase established by Paragraph 4 below for each regulated pollutant emitted from a major source. Substitution units identified as conditional substitution units by the owner or operator shall pay the emission fee established by Paragraph a.1 above.~~
23. As used in this Section, the term “regulated pollutant” means a VOC; each pollutant regulated under sections 111 and 112 of the Clean Air Act (42 U.S.C.A. Secs. 7411 and 7412); and each pollutant for which a National

Ambient Air Quality Standard has been promulgated, except that carbon monoxide shall be excluded from this reference.

~~4. The emission fee imposed under Paragraph a.1 above shall be increased in each year after 1995 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year. For purposes of this Paragraph:~~

~~A. The Consumer Price Index for a calendar year is the average of the Consumer Price Index for All Urban Consumers, published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.~~

~~B. The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.~~

b. **Annual Emissions Fee Deadline.** In addition to any other administration fees required under this Article, the owners or operators of all sources subject to Subpart 2 of this Part shall pay annual emissions fees as set forth under Subsection (a) above for the previous calendar year actual emissions. ~~Except as provided under Subsection (c) below, a~~All such fees shall be paid into the "Allegheny County Air Quality Fund" for the major operating permit program as set forth under this Article. All such fees shall be paid by no later than September 1 of each year, beginning with September 1, 1998.

~~c. **Annual Phase I Affected Source and Active Substitution Unit Emissions Fees.** All annual emissions fees paid under Paragraph a.2 above shall be paid into the "Allegheny County Air Pollution Control Fund."~~

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: August 14, 2014

RE: Proposed Ordinance

Attached is an Ordinance ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

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.

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