**Proposed revisions to Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control ---**

**§2105.21, Coke Ovens and Coke Oven Gas**

**with**

**Related §2101.20, Definitions**

**and**

**§2109.01, Inspections**

**LEGISLATIVE SUMMARY**

The current regulations set forth in Article XXI, Section 2105.21, address the emissions standards for coke ovens and coke oven gas, while the test methods and inspection procedures for coke ovens are provided in the ACHD’s Source Testing Manual.

As part of a 2019 settlement agreement with U.S. Steel Corporation relating to violations at its coke oven batteries, the ACHD agreed to amend Article XXI to include the test methods and inspection procedures for coke ovens in the Section 2105.21 regulations. Accordingly, the ACHD is proposing those amendments here.

The ACHD also is proposing to amend its regulations based on issues of stringency with federal and Pennsylvania regulations. The Pennsylvania Air Pollution Control Act states that the ACHD may enact “ordinances with respect to air pollution which will not be less stringent than the provisions of this act, the Clean Air Act or the rules and regulations promulgated under either this act or the Clean Air Act.” 35 P.S. § 4012(a). During this regulatory review process, the ACHD determined that there were provisions in the Article XXI regulations pertaining to coke ovens and coke oven gas which were less stringent than the regulations promulgated under the Clean Air Act and Pennsylvania Air Pollution Control Act. As a result, the ACHD is proposing to amend the applicable provisions to be at least as stringent as the Pennsylvania and federal regulations.

Finally, the ACHD is proposing to amend its regulations to include requirements that during an inspection, a source is required to operate in a manner consistent with its normal air pollution control practices.  The regulation provides that it is a violation for any person to alter or modify a source’s normal air pollution control practices during an ACHD inspection for the purpose of improving compliance with the requirements under Article XXI or any ACHD permit.

The proposed revision was the subject of a public comment period, including a public hearing held on May 11, 2022. The regulation was approved by the Allegheny County Board of Health at their September 7, 2022 meeting.

Finally, the proposed changes to Article XXI §§2105.21.a-h, j, 2109.01, and 2101.20 will be submitted as a revision to the Allegheny County portion of the Pennsylvania State Implementation Plan.