

No. 02-19-OR

AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying amendments to Section 2105.90, "Gasoline Volatility", and Section 2107.15, "Gasoline Volatility and RFG", of the Allegheny County Health Department Rules and Regulations, Article XXI, "Air Pollution Control".

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 to it via 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, Pennsylvania Act 50 of 2014 required the Pennsylvania Department of Environmental Protection to remove the state's gasoline volatility regulations from the State Implementation Plan and this regulation change is being made for consistency with Act 50's requirements; and

Whereas, on November 7, 2018, during its regularly scheduled public meeting the Allegheny County Board of Health adopted by affirmative vote the attached amendments to Section 2105.90, "Gasoline Volatility", and Section 2107.15, "Gasoline Volatility and RFG", of 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 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 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 15th day of February, 2019

Council Agenda No. 10512-19


John DeFasio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office February 21 2019

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
Sonya Dietz
Executive's Secretary

EXHIBIT "A"

PROPOSED REVISION

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

**Part E, Subpart 9, §2105.90, "Source Emission and Operating Standards-
Transportation Sources-Gasoline Volatility,"**

And

Part G, §2107.15, "Methods-Gasoline Volatility and RFG;"

(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. Revision Tracking No. 89.)

1. Proposed Gasoline Volatility Regulations Revisions

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

PART E- Source Emission and Operating Standards

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§2105.90 GASOLINE VOLATILITY

{This section added by May 7, 1998 amendment, effective May 15, 1998; Paragraph e renumbered, paragraphs c & d renumbered and amended August 12, 1999, effective September 1, 1999. Paragraph b.3 added mm/dd/2018, effective mm/dd/2018.}

- a. **Applicability.** This Section applies to gasoline which is sold or transferred into or within Allegheny County during the period May 1 through September 15, 1998, and continuing during the same period every year thereafter.

- b. **Compliant Fuel Requirements.**

1. No refiner, importer, distributor, reseller, or carrier may:
 - A.. Sell, exchange or supply gasoline that is not a compliant fuel during the period described in Subsection ~~{a}~~.
 - B. Blend, mix, store or transport or allow blending, mixing, storing or transporting of compliant fuel with noncompliant fuel during the period described in Subsection ~~{a}~~.
2. No retailer or wholesale purchaser-consumer may sell, exchange, or supply gasoline that is not a compliant fuel during the period June 1 through September 15, 1998, and continuing during the same period every year thereafter.

3. This Section will no longer be applicable upon the effective date of approval by the EPA of the removal, suspension or replacement of this Section as part of Allegheny County's portion of the Pennsylvania SIP.

- c. **Record keeping and reporting.**

1. Beginning with the terminal owner or operator who sells or transfers gasoline intended for use in Allegheny County during the period described in §2105.90~~{a}~~, each time the physical custody of or title to a shipment of gasoline changes hands other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser-consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. Said record shall legibly and conspicuously contain, at a minimum, the following information:
 - (A) The date of the sale or transfer.
 - (B) The name and address of the transferor.
 - (C) The name and address of the transferee.
 - (D) The location of the gasoline at the time of transfer.

- (E) The volume of gasoline which is being sold or transferred.
 - (F) A statement or grade code certifying that the gasoline has an RVP of 7.8 pounds per square inch or less per gallon.
- 2. Any person who transports, stores, or sells compliant fuel that is intended for use in Allegheny County during the period described in §2105.90~~(a)~~ shall segregate the compliant fuel from noncompliant fuel and the documentation described in §2105.90.c~~f1~~ shall accompany the compliant fuel at all times.
- 3. Each person in the gasoline distribution network shall maintain records containing the compliance information listed in §2105.90.c~~f1~~. These records shall be retained for at least 2 years from the date of the sale or transfer of compliant fuel. All records shall be kept on-site at each point in the distribution network, except for retail outlets. Retail outlets shall retain records on-site for at least the current compliance period (June 1 through September 15). The remaining records may be kept off-site, but they must be made available to the Department within 48 hours upon request.
- d. **Labeling.** During the period from June 1 to September 15 each year, and at all times when dispensing of clean fuels is required under this section, all retail gasoline dispensing facilities shall prominently display on each gasoline pump a label with the following statements and conditions:
 - 1. "Cleaner Gas", and "JUNE 1 - SEPT 15".
 - 2. "RVP".
 - 3. The letters "RVP" shall be a minimum of 5/16 inches in height; all other letters and numbers shall be a minimum of 1/4 inches in height.
 - 4. The letters "RVP" shall be printed in green and all the other letters shall be printed in black. The label background shall be white.
- e. **Sampling and test methods.** Sampling and testing for the volatility of gasoline shall be performed according to the applicable procedures established §2107.15.

PART G - Methods

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§2107.15 GASOLINE VOLATILITY and RFG

{This section added by May 7, 1998 amendment, effective May 15, 1998.

Subsection c added mm/dd/2018, effective mm/dd/2018}

- a. **Volatility.** Any sampling or testing of gasoline required by Section 2105.90 shall be performed according to the following methods as specified in Chapter 61 of the Allegheny County Source Testing Manual:
 - 1. Sampling of gasoline for the purpose of determining compliance with §2105.90 shall be conducted in accordance with 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility).
 - 2. Testing of gasoline for purposes of determining compliance with §2105.90 shall be conducted in accordance with 40 CFR Part 80, Appendix E (relating to test for determining the RVP of gasoline and gasoline-oxygenate blend).
- b. **RFG.** RFG shall be certified and tested in accordance with the requirements listed in 40 CFR Part 80 Subpart D (relating to reformulated gasoline) as specified in Chapter 61 of the Allegheny County Source Testing Manual.

c. This Section will no longer be applicable upon the effective date of approval by the EPA of the removal, suspension or replacement of

this Section as part of Allegheny County's portion of the Pennsylvania SIP.

End of Regulation Changes

Legislative Summary

Article XXI Regulation Changes for Gasoline Volatility Regulations (State Implementation Plan Revision 89)

The Allegheny County Health Department ("ACHD") Air Quality Program is proposing to update its regulations regarding "Gasoline Volatility" to pave the way for the eventual removal of the regulations from Article XXI, the ACHD Rules and Regulations for Air Pollution Control. This regulation revision is to be submitted to the U.S. Environmental Protection Agency ("EPA") as an amendment to the County's portion of the Pennsylvania State Implementation Plan ("SIP").

The proposed revision to Art. XXI § 2105.90, "Gasoline Volatility," will add a single paragraph stating that the regulation will no longer be applicable in Allegheny County once the U.S. EPA approves a proposed SIP change based on the accompanying "Non-Interference Demonstration" substantiating that there will be no interference to the continued meeting of the 8-Hour Ozone National Ambient Air Quality Standard due to the removal of the requirement to sell only low Reid Vapor Pressure ("RVP") gasoline in Allegheny County during the ozone season.

A similar change will be made to Art. XXI § 2107.15, "Gasoline Volatility and RFG," which regulates the sampling and testing of gasoline required by Art. XXI § 2105.90.

These regulation revisions are in response to similar actions already taken by the Pa. Department of Environmental Protection ("DEP") in response to Pennsylvania Act 50 of 2014, which required action on the part of DEP to remove the state gasoline volatility regulations from the SIP.

The information in this submittal demonstrates that there will be no adverse impact on the health of the citizens of this County due to this action.

The proposed revision was the subject of a public comment period, including a public hearing held on October 17, 2018. No adverse comments were received. The Board of Health voted affirmatively to grant final approval of the regulation change on November 7, 2018.

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: January 17, 2019

RE: Proposed Ordinance

Attached is an Ordinance of the Council of the County of Allegheny ratifying amendments to Section 2105.90, "Gasoline Volatility", and Section 2107.15, "Gasoline Volatility and RFG", of the Allegheny County Health Department Rules and Regulations, Article XXI, "Air Pollution Control".

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.

2018 DEC -8 AM 11:10
RECEIVED
ALLEGHENY COUNTY COUNCIL