

Revision to
Allegheny County's Portion Of
The Pennsylvania State Implementation Plan
for the
Attainment and Maintenance of
the National Ambient Air Quality Standards--

Removal of the Summertime Low Reid Vapor Pressure
Gasoline Volatility Requirements
from the
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;"

Revision Tracking No. 89

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1. Preface to the State Implementation Plan Revision Request

Allegheny County is requesting that EPA amend the Allegheny County portion of Pennsylvania's approved State Implementation Plan (SIP) (40 C.F.R. part 52, subpart NN) to remove –

- Article XXI, Part E, Subpart 9, §2105.90, “Source Emission and Operating Standards-Transportation Sources-Gasoline Volatility,” and
- Article XXI, Part G, §2107.15, “Methods-Gasoline Volatility and RFG, as enforceable applicable SIP measures for Allegheny County, Pennsylvania.

To support this SIP revision request, the ACHD Air Quality Program is:

- Revising its “Gasoline Volatility” regulations by adding paragraphs to Article XXI, §§2105.90, and 2107.15, stating that these sections are no longer applicable upon the effective date of U.S. EPA's approval of the removal, suspension, or replacement of these sections as part of the Allegheny County portion of the SIP. See Section 2, below.
- Providing the background of this SIP revision request and its interaction with that of the similar SIP revision submitted by PA DEP to remove its gasoline volatility regulations. See Section 3, below.
- Providing for reference the Pennsylvania ‘Non-Interference Demonstration’ approved by U.S. EPA (see 83FR65301, December 20, 2018) demonstrating that repeal of Allegheny County's gasoline volatility regulations will not interfere with the attainment or maintenance of a NAAQS or any other applicable requirement of the CAA.

2. 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 2/21/2019, effective 3/3/2019.}

- 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) 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). 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.
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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 2/21/2019, effective 3/3/2019}

- 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.**

3. Technical Support Document

3A. Background and History of the State and Local 'Low RVP Gasoline' Regulations

25 Pa. Code Chapter 126, Subchapter C, "Gasoline Volatility Requirements," applies to gasoline which is sold or transferred into or within the Pittsburgh-Beaver Valley Area between May 1 and September 15 of each year. More specifically, refiners, importers, distributors, resellers, terminal owners and operators, and carriers may not sell, exchange or supply gasoline that does not have a Reid vapor pressure (RVP) of 7.8 pounds per square inch or less (low RVP gasoline) in the Pittsburgh-Beaver Valley Area between May 1 and September 15 of each year. The PBV area includes Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland counties.

Gasoline vapors include volatile organic compound (VOC) emissions. VOCs are a precursor to the formation of ground-level ozone air pollution and fine particulate matter (PM_{2.5}), both hazards to public health and welfare. Gasoline formulated with an RVP of 7.8 psi or less has lower VOC emissions than gasoline formulated at higher RVP levels.

25 Pa Code Chapter 126, Subchapter C was promulgated November 1, 1997. These requirements were approved by the EPA at 63 FR 31116 (June 8, 1998), effective July 23, 1998, as a revision to the Commonwealth's SIP and codified at 40 CFR Part 52, Subpart NN (relating to Pennsylvania). Thus, Chapter 126, Subchapter C is a Federally-enforceable control measure to attain and maintain the 1-hour Ozone National Ambient Air Quality Standards (NAAQS) in the Pittsburgh-Beaver Valley Area to protect the public health and welfare.

Shortly thereafter, Allegheny County promulgated similar gasoline volatility requirements at Article XXI, Sections 2105.90 and 2107.15. These requirements were approved by the EPA at 66 FR 19724 (April 17, 2001), effective June 18, 2001, as a revision to the Allegheny County portion of the Pennsylvania SIP and codified at 40 CFR Part 52, Subpart NN.

3B. Changes to PA Air Pollution Control Act requiring the repeal of the state gasoline volatility rules and the Pennsylvania State's submittal of a PA SIP Revision Request

In 2014, Pennsylvania placed into law P.L. 674, No. 50, (Act 50), which amended the Pennsylvania Air Pollution Control Act (35 P.S. §§ 4001—4015) to add section 4(18.3) (35 P.S. § 4004(18.3)). The new provision required the PA Department of Environmental Protection to seek an amendment of the PA SIP and eventual repeal of the gasoline volatility rules:

"[W]ithin sixty (60) days of the effective date of this clause, initiate the process of amending the State implementation plan. Upon approval of a revision which demonstrates continued compliance with Federal national ambient air quality standards through utilization of commensurate emission reductions by the Environmental Protection Agency, the board [Environmental Quality Board] shall promulgate regulations to repeal the provisions of 25 Pa. Code Ch. 126 Subch. C (relating to gasoline volatility requirements)."

3C. Stated Reason for Pennsylvania Act 50 requiring repeal of the low RVP gasoline regulations

Act 50, and thereby the newly added Section 4(18.3) of the APCA, became effective May 14, 2014. It was designed to address the price differential between low RVP gasoline and conventional gasoline in the Pittsburgh-Beaver Valley Area, cited by the legislative sponsors as being as much as a 10 to 15 cents per gallon price differential between the two fuels. See 48 Pa.B. 1932 (April 7, 2018).

3D. Pennsylvania's need to demonstrate "non-interference" and EPA's SIP Revision Requirements

To repeal its gasoline volatility regulations, which are a part of its SIP, the state of Pennsylvania is required to ensure that the removal of Chapter 126, Subchapter C from the SIP complies with section 110(l) of the Clean Air Act ((42 U.S.C. § 7410(l)) (Non-Interference Clause). Likewise, the EPA may approve a SIP revision if, among other things, the SIP revision satisfies Section 110(l). That provision states that the EPA Administrator:
"... shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this act."

In June 2005, EPA provided draft guidance to states on how EPA intends to exercise its discretion in implementing CAA provisions related to the Section 110(l) requirements (2005 EPA draft guidance)¹. The demonstration EPA describes in the 2005 EPA draft guidance is known as a noninterference demonstration.

3E. PA DEP implements Act 50 of 2014

To implement Act 50 of 2014, the Pennsylvania Department of Environmental Protection has prepared, held public comment upon (48 Pa. Bulletin 1481, March 10, 2018), and submitted a SIP revision submittal that includes:

- A Non-Interference Demonstration to show continued compliance with the applicable NAAQS and protection of the public health and welfare through the use of commensurate emission reductions to offset the slight increases in emissions of VOC and oxides of nitrogen (NOx) that will likely result in the near term from removing the low Reid Vapor Pressure regulations as a federally enforceable control measure from the SIP.

This is a technical demonstration that repeal of Pennsylvania's gasoline volatility regulations for the Pittsburgh-Beaver Valley Area (which includes Allegheny County), codified at 25 Pa. Code Chapter 126, Subchapter C, will not interfere

¹ U.S. EPA – *Demonstrating Noninterference Under Section 110(l) of the Clean Air Act when Revising a State Implementation Plan* – Draft Guidance – June 8, 2005 - <http://www.4cleanair.org/Oldmembers/members/committee/criteria/110STAPPA.pdf>

with the attainment or maintenance of a NAAQS or any other applicable requirement of the CAA. Consistent with the 2005 EPA draft guidance on noninterference demonstrations, Pennsylvania is offsetting the potential emissions increases from repeal and removal of the gasoline volatility regulations from Pennsylvania's approved SIP with previously unclaimed emissions reductions already achieved by the Commonwealth in the PBV Area. These emission reductions consist of: (1) emissions benefit gained from Pennsylvania's adoption of volatile organic compound (VOC) limits on the use or application of adhesives, sealants, primers and solvents (25 Pa. Code § 129.77); and (2) previously unclaimed creditable emissions reductions associated with the permanent closure of a large stationary source of emissions of oxides of nitrogen (NO_x) in the PBV Area (namely, Guardian Industries, in Allegheny County).

It is noted that the NID includes a statement (on Page 2) that it supports an eventual repeal by ACHD of the Allegheny County summertime low volatility gasoline requirement.

- A request to remove the gasoline volatility requirements from 25 Pa. Code Chapter 126, Subchapter C, from the Pennsylvania SIP, as well as revised regulatory language that will make the state regulation no longer applicable once the EPA approves the SIP revision. (Once this first round of changes is made, the DEP intends to come back at a later date and process the regulatory changes needed to entirely remove Chapter 126, Subchapter C from the regulations.)

3F. Impact on the Allegheny County portion of the Pennsylvania SIP and ACHD Article XXI

The previous discussion regarded the impact of the Pennsylvania State Act 50 and the consequent PA DEP changes to its regulations and the changes to the Pennsylvania SIP called for in 48 Pa. Bulletin 1481, March 10, 2018.

The following discussion regards the impact of those things on the Allegheny County air regulations and the related Allegheny County portion of the PA SIP:

1. The language of Pennsylvania Act 50 of 2014 directs the repeal of 25 Pa. Code Ch. 126, Subchapter C.
2. Article XXI, Section 2105.90 governs the gasoline volatility requirements in Allegheny County.
3. ACHD recognizes the detailed technical analysis prepared by the PA DEP in the form of the PA NID of 48 Pa. Bulletin 1481 as accurate for the PBV area including Allegheny County, and intends for that document to serve as the required NID for ACHD's SIP revision for repeal of, and removal of the low RVP requirements from the ACHD portion of the PA SIP.

3G. What ACHD is requesting as a SIP Revision

The ACHD is requesting that EPA amend the Allegheny County portion of the Pennsylvania approved SIP (40 C.F.R. part 52, subpart NN) to remove the following regulations as enforceable applicable SIP measures for Allegheny County, Pennsylvania:

- Article XXI, Part E, Subpart 9, §2105.90, “Source Emission and Operating Standards-Transportation Sources-Gasoline Volatility,” and
- Article XXI, Part G, §2107.15, “Methods-Gasoline Volatility and RFG.

The ACHD is also herewith submitting revisions to these gasoline volatility regulations to read as shown in Section (2), above. These revisions call for Article XXI, §2105.90 and §2107.15, to be no longer applicable upon the effective date of approval by the U.S. EPA of the removal, suspension, or replacement of these sections as part of the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP). Allegheny County is not asking that these revisions be incorporated by reference into the SIP, but they serve to demonstrate Allegheny County desire to have the gasoline volatility requirements removed from the SIP.

Note: Should EPA approve this SIP revision submittal, ACHD may, at some time in the future, revise Article XXI again, at such time to completely remove these two sections from the Article XXI. The complete removal of the Sections 2105.90 and 2107.15 could not be undertaken in this current SIP revision because, as described in 48 Pa.B.1934 (April 7, 2018), prior to a recent decision by EPA Region 5 regarding Ohio’s repeal of its low RVP gasoline volatility regulation, it was the policy of the EPA not to approve the removal of a regulation from a state’s SIP unless the regulation had first been repealed at the state level and then submitted as a revision to the state’s SIP. In Ohio, rather than repealing its low RVP gasoline volatility regulation, Ohio amended its regulation to make it no longer effective upon approval by EPA Region 5 of a SIP revision removing the provisions from Ohio’s SIP. The PA DEP discussed this decision with EPA Region 3 and, with the concurrence of EPA Region 3, used Ohio’s approach in DEP final-form rulemaking. The ACHD is likewise compelled to take the “Ohio approach.”

As was the case for the state of Pennsylvania, to make it possible for EPA approval of these revisions to the Allegheny County portion of the PA SIP, the ACHD is required to ensure that the removal of §2105.90 and §2107.15 from the SIP complies with section 110(l) of the Clean Air Act (CAA), the Non-Interference Clause. Restating from above, the Non-Interference Clause prohibits the EPA Administrator from approving a SIP revision if the revision would interfere with any applicable requirement concerning the attainment of a National Ambient Air Quality Standard (NAAQS) or reasonable further progress in attaining a NAAQS, or any other applicable requirement of the CAA.

To meet its own CAA Section 110(l) requirements, the ACHD is referencing the Non-Interference Demonstration developed by the PA DEP and proposed by 48 Pa. Bulletin 1481 of March 10, 2018, and approved by U.S. EPA (see Federal Register 83FR65301, December 20, 2018).

4. Documentation of Public Hearing and Certifications

Notice of Public Hearing
Transmittals of hearing notice to EPA & PA DEP
Proof of publication of notice of hearing
Certification of hearing
Summary of Comments and responses
Certification of approval and adoption

NOTICE OF PUBLIC HEARING
FOR PROPOSED AMENDMENTS TO
ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS
ARTICLE XXI, AIR POLLUTION CONTROL

The Allegheny County Board of Health will hold a public hearing on **Wednesday, October 17, 2018, at 11:00 AM**, on the first floor of Building #7 of the Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on proposed modifications to Allegheny County Health Department Article XXI, that will revise §2105.90, 'Gasoline Volatility,' and related §2107.15, 'Gasoline Volatility (Testing)' and corresponding sections of County Ordinance 16782.

The changes will be submitted as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan.

Copies of the proposed regulatory amendments may be examined beginning **Monday, September 17, 2018** at the Allegheny County Health Department Document Control Room, Building 7, Clack Health Center, from 8:30 AM until 3:30 PM Monday thru Friday; on the Allegheny County Health Department web site via the general link www.achd.net/air , or the more direct link <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Public-Comment-Notices.aspx> , or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8120 in advance of the public hearing. Speakers will be limited to five minutes and should bring a written copy of their comments.

The Board will accept written testimony beginning **Monday September 17, 2018**, and concluding **Monday, October 22, 2018 at 11:59PM**:

By mail to
Allegheny County Health Department
301 39th Street, Bldg #7
Pittsburgh, PA 15201-1811
By email to AQ.Comments@alleghenycounty.us
By Fax to 412-578-8144

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

September 17, 2018

Mr. Krishnan Ramamurthy, Director
Bureau of Air Quality
Department of Environmental Protection
Rachel Carson Building
400 Market Street
P O Box 8468
Harrisburg, PA 17105-8468

Dear Mr. Ramamurthy:

Enclosed is a Notice of Public Hearing for proposed revisions to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding repeal of sections §2105.90, "Gasoline Volatility," and §2107.15, "Methods-Gasoline Volatility and RFG."

These revisions will also be submitted as changes to Allegheny County's portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 89. We are not submitting a copy of the submittal package with this letter due to its large size, however, it can be accessed at <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Regulations-and-SIPs.aspx>.

The public comment period begins September 17, 2018 and concludes October 22, 2018 at 11:59PM. The public hearing will be held October 17, 2018. Your comments are welcome.

Sincerely,

Sandra Etzell, Manager
Air Quality Program Planning Section

cc: Kirit Dalal
Steve Hepler

Enclosures

- Public Hearing Notice
- Proposed Article XXI/SIP Revision 89

ALLEGHENY COUNTY HEALTH DEPARTMENT • AIR QUALITY PROGRAM
301 39TH STREET BUILDING #7 • PITTSBURGH, PA 15201-1811
PHONE (412) 578-8103 • FAX (412) 578-8144

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

September 17, 2018

Ms. Christina Fernandez, Director
Air Protection Division
Region III (3AP00)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Ms. Fernandez:

Enclosed is a Notice of Public Hearing for proposed revisions to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding repeal of sections §2105.90, "Gasoline Volatility," and §2107.15, "Methods-Gasoline Volatility and RFG."

These revisions will also be submitted as changes to Allegheny County's portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 89. We are not submitting a copy of the submittal package with this letter due to its large size; however, it can be accessed at <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Regulations-and-SIPs.aspx>.

The public comment period begins September 17, 2018 and concludes October 22, 2018 at 11:59PM. The public hearing will be held October 17, 2018. Your comments are welcome.

Sincerely,

Sandra Etzel, Manager
Air Quality Program Planning Section

cc: File

Enclosures

- Public Hearing Notice
- Proposed Article XXI/SIP Revision 83

ALLEGHENY COUNTY HEALTH DEPARTMENT • AIR QUALITY PROGRAM
301 39TH STREET BUILDING #7 • PITTSBURGH, PA 15201-1811
PHONE (412) 578-8103 • FAX (412) 578-8144

No. _____ Term, _____

Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

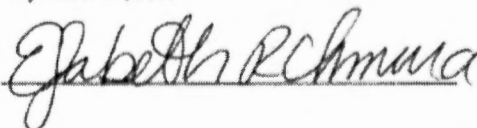
Commonwealth of Pennsylvania, County of Allegheny, ss K. Fishery, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

17 of September, 2018

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.


PG Publishing Company

Sworn to and subscribed before me this day of
September 17, 2018



Commonwealth of Pennsylvania - Notary Seal
Elizabeth R. Chmura, Notary Public
Allegheny County
My commission expires February 8, 2022
Commission number 1326781
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS
ALLEGHENY COUNTY HEALTH DEPT-LEG
542 4TH AVENUE
PITTSBURGH PA 15219

To PG Publishing Company

Total _____ \$74.55

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
2201 Sweeney Drive
CLINTON, PA 15026
Phone 412-263-1338

PG Publishing Company, a Corporation, Publisher of
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By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

Attorney For

COPY OF NOTICE OR PUBLICATION

NOTICE OF PUBLIC
HEARING
FOR PROPOSED
AMENDMENTS TO
ALLEGHENY COUNTY
HEALTH DEPARTMENT
RULES AND REGULATIONS
ARTICLE 100, AIR
POLLUTION CONTROL
The Allegheny County Board
of Health will hold a public
hearing on Wednesday,
October 17, 2018, at 11:30
AM, on the first floor of
Building #7 of the Clark Health
Center, 301 39th Street,
Pittsburgh, PA 15201 to take
testimony on proposed
modifications to Allegheny
County Health Department
Article 100 that will revise
§2105.90, Gasoline volatility
and revised §2107.10,
Gasoline Volatility Testing
and corresponding sections of
County Ordinance 16782.
The changes will be submitted
as a revision to Allegheny
County's portion of the
Pennsylvania State
Implementation Plan.
Copies of the proposed
regulatory amendments may
be examined beginning
Monday, September 17, 2018
at the Allegheny County
Health Department Document
Control Room, Building 2,
Clark Health Center, from 8:30
AM until 3:30 PM Monday thru
Friday; on the Allegheny
County Health Department
web site via the general link
www.achd.net/air, or the
more direct link
<https://www.alleghenycounty.us/health-department/Programs/Air-Quality/Public-Comment/Notices.aspx>, or by
calling 412-578-8120 to
request a mailed printed copy.
Oral testimony must be
pre-scheduled by calling
412-578-8120 in advance of
the public hearing. Speakers
will be limited to five minutes
and should bring a written
copy of their comments.
The Board will accept written
testimony beginning Monday,
September 17, 2018, and
concluding Monday, October
22, 2018 at 11:59PM.
By mail to:
Allegheny County Health
Department
301 39th Street, Bldg #7
Pittsburgh, PA 15201-1811
By email to: AQComments@alleghenycounty.us
By Fax to: 412-578-8144

Revision 89


Article XXI
Section 2105.90, "Gasoline Volatility"
and
Section 2107.15, "Methods-Gasoline Volatility and RFG"

Certification of Hearing

Thomas Lattner deposes and says that he is an Air Pollution Control Engineer in the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on October 17, 2018 on the proposed revisions to Article XXI, "Rules and Regulations of the Allegheny County Health Department for Air Pollution Control," and County Ordinance No. 16782 revising Sections §2105.90, "Gasoline Volatility," and §2107.15, "Methods – Gasoline Volatility and RFG;"

that these changes are to be incorporated as a change to Allegheny County's Portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards;

that the opportunity for written comments was given in accordance with the requirements of 40 CFR 51.102; that notice of such hearing was given by publication in a newspaper of general circulation on September 17, 2018; and to the best of his knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

 10-17-2018
Thomas Lattner, Date
Air Pollution Control Engineer
Air Quality Program
Allegheny County Health Department

SUMMARY OF COMMENTS AND RESPONSES

for

Proposed SIP Revision 89

Article XXI, Section 2105.90, Gasoline Volatility and Section 2107.15, Gasoline Volatility (Testing)

Public Comment Period: September 17 to October 22, 2018

Public Hearing: October 17, 2018

Support for the regulation revision

1. **Comment:** Buckeye Partners, LP. supports the Proposed Amendments that would remove the low-Reid Vapor Pressure (RVP) requirements currently occurring in §2105.90 and §2107.15 which impose 7.8 pounds per inch Reid Vapor Pressure (RVP) gasoline in Allegheny County (as part of the Pittsburgh-Beaver Valley Area) from May 1 through September 15 of each calendar year.

Commenter: Jason Mengel, Manager, Measurement and Quality Control, Buckeye Partners, LP. A similar comment was made by Edward Dougherty of Sunoco, LLC.

Response: The Health Department appreciates the support for the regulation revision.

2. **Comment:** The research provided in the SIP submittal provides supporting data that removal of the 7.8 psi RVP requirement for the summer season will not have a negative impact on the air quality of the region. Realizing that the proposed revisions to the SIP by both PA DEP and ACHD have economic advantages to both citizens and business of the Pittsburgh-Beaver Valley (area), the company values the air quality and health impact research provided in the ACHD's SIP proposal. This protects both the citizens and employees of Sunoco located in the PBV area.

Commenters: Sunoco, LLC

Response: The Health Department appreciates the endorsement of the research findings.

Repeal of the gasoline volatility regulation will improve supply flexibility, reliability, and costs

3. **Comment:** The current 7.8 psi RVP requirement for the Pittsburgh-Beaver Valley Area, including Allegheny County, is the most restrictive requirement in the eastern United States. The area has become a “fuel island,” even more so with the recent repeal of low RVP requirements in cities in Ohio, and, the possibility of the other six counties of the PBV Area under the PA DEP, repealing the low RVP requirement, without the concurrence of Allegheny County would further that isolation. Without this regulatory requirement, gasoline with 9psi RVP (10 psi after blending with 10% ethanol) would be supplied to the area, resulting in increased flexibility for the supply of gasoline, increased reliability of the fuel supply, and reduced supply costs.

Commenters: Buckeye Partners, and Sunoco.

Response: The information provided by the commenters is duly noted. However, the Health Department notes that the aspects of supply flexibility, reliability, and costs, are not addressed in the non-interference demonstration, and do not figure in the conclusions reached in the NID.

4. **Comment:** There have been similar low RVP repeals recently passed in Florida, Ohio, North Carolina, Georgia, Louisiana, and Tennessee. It would make sense that the population of Allegheny County enjoy the same benefits as those areas.

Commenters: Buckeye Partners, LP.

Response: The Health Department presumes that the commenter refers to the benefits noted in Comment #3. Again, however, the Health Department notes that the aspects of supply flexibility, reliability, and costs, are not addressed in the non-interference demonstration, and do not figure in the conclusions reached in the NID.

The current low RVP requirements create a burden on fuel shippers

5. **Comment:** Each summer, tanks must be set aside and batches segregated just to supply boutique fuel to the Pittsburgh-Beaver Valley Area, resulting in inefficiencies, constrained assets, and ongoing need to protect the RVP of the Pittsburgh fuel along the pipeline. This is a burden on any shipper attempting to transport gasoline to Allegheny County. With the repeal of this requirement, tank storage traditionally segregated with Pittsburgh summer gasoline in PA, OH, MI, and NJ will be freed to allow for more efficient supply logistics.

Commenters: Buckeye Partners, LP.

Response: The information provided by the commenter is duly noted. However, the Health Department notes that the aspects of supply logistics are not addressed in the non-interference demonstration, and do not figure in the conclusions reached in the NID.

Miscellaneous

- 6. Comment:** The benefits of a low RVP fuel in the Pittsburgh market have been reduced since EPA has implemented further regulations of emissions from Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline facilities (40CFR63 Subpart BBBBBB – National Emission Standards for Hazardous Air Pollutants from Gasoline Terminals and Pipelines). These sources now require more stringent controls, monitoring, recordkeeping and reporting.

Commenters: Buckeye Partners, LP.

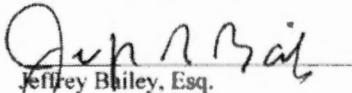
Response: The Health Department notes that the NID analyzed the effect of changes in fuel RVP on the VOC emissions from area and point sources that move, store and transfer gasoline, in other words, the *gasoline distribution system* that can include gasoline plants and terminals, pipelines, service stations, tank trucks, underground storage tanks, and portable fuel containers (gas cans). See Pages 19 to 21, above, including Table 3, and Appendix D. The NID concluded that VOC emissions from these facilities would increase 3% per year (7tpy) from the 2014 levels in both 2018 and 2023.

Final Comment

- 7. Comment:** The ACHD Air Program notes that at the time of submittal of this SIP revision request, DEP's gasoline volatility SIP change, including the NID, was approved by the U.S. EPA (83 FR 65301, December 20, 2018). With that approval, the DEP's NID which included Allegheny County, is now being provided for reference by ACHD.

CERTIFICATION of APPROVAL and ADOPTION

To the best of my knowledge, information, and belief, I the undersigned hereby certify that the amendments revising §§ 2105.90 and 2107.15 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, and the corresponding sections of Chapter 505 of the Allegheny County Code of Ordinances, adopted by the Allegheny County Board of Health on November 7, 2018, ratified by the Allegheny County Council on February 19, 2019 (Ordinance 02-19-OR), approved by the Allegheny County Chief Executive on February 21, 2019, and effective March 3, 2019, as a revision to the County's Portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards, were duly and properly enacted as prescribed by the Local Health Administration Law and the Allegheny County Home Rule Charter, and as such, are fully and legally enforceable by the Allegheny County Health Department and the County of Allegheny as provided for by the within authority.


Jeffrey Bailey, Esq.
Assistant Solicitor
Allegheny County Health Department

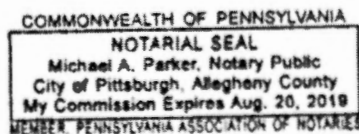
COMMONWEALTH OF PENNSYLVANIA

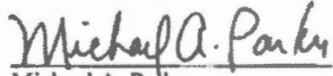
COUNTY OF ALLEGHENY

On the 25th day of FEBRUARY, 2019,

Michael A. Parker personally appeared before me, the undersigned authority, satisfactorily proven to me to be the person whose name appears above, and did in my presence execute the above certification for the purposes contained therein.

WHEREFORE, I have hereunto set my hand and official seal the 25th day of FEBRUARY, 2019.




Michael A. Parker
Notary Public
Allegheny County Health Department

5. Appendix

The ACHD is providing the Pennsylvania NID for reference including all their appendices, except Appendix A, which included documentation related to the Pennsylvania rulemaking process.

This Appendix includes the following State of Pennsylvania documents

1. Final State Implementation Plan Revision to Remove Pittsburgh–Beaver Valley Area Summertime Low Reid Vapor Pressure Gasoline Volatility Requirements and Supporting Noninterference Demonstration Under Section 110(l) of the Clean Air Act.
2. The Technical appendices in the PA NID, as follows:

Appendix B:	MOVES Documentation
Appendix C:	NONROAD Documentation
Appendix D:	Area/Point Documentation
Appendix E:	Adhesives Rule Estimation
Appendix F:	Shutdown Estimation
Appendix G:	2014/2018/2023 Inventory
Appendix H:	2023 Attainment Modeling
Appendix I:	Verification of Public Notice