

Revision to:

**ALLEGHENY COUNTY'S portion of
the PENNSYLVANIA STATE IMPLEMENTATION PLAN
For the
Attainment and Maintenance of the
National Ambient Air Quality Standards**

And

**The Allegheny County Health Department's Partial Operating Permit Program
Under 40 CFR Part 70**

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

**Sections Related to
Advertising Notice of Permit Comment Periods and Hearings
And Permit Petition requirements**

(Revision Tracking No. 95)

Table of Contents

1. Proposed changes to Article XXI Rules and Regulations

§2101.20, Definitions

§2102.03, Permits Generally

§2102.04, Installation Permits

§2102.05, Installation Permits for New and Modified Major Sources

§2103.11, Operating Permits (All Major and Minor Permits) Applications

§2103.14, All Major and Minor Permits -- Revisions, Amendments, Modifications

§2103.21, Additional Requirements for Major Permits -Applications

§2103.22 Issuance, Standard Conditions

§2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications

§2105.31, Waste-Derived Liquid Fuel

2. Technical Support Document

3. Documentation of Public Hearing and Certifications

- a. Public hearing notice
- b. Transmittals of hearing notice to EPA & PA DEP
- c. Proof of publication of notice of hearing
- d. Certification of hearing
- e. Summary of Comments and responses
- f. Certifications of approval and adoption

1. Proposed Revision

LEGEND:

Deletions are shown with strikethroughs.

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

§2101.20 Definitions {unless specifically indicated, all definitions effective October 20, 1995}

...

"Bulk gasoline terminal" means a gasoline storage and distribution facility with a daily throughput of 20,000 gallons (76,000 liters) or more of gasoline.

"Bureau" means the Allegheny County Health Department Bureau of Environmental ~~Quality~~ **Health**.

"Can coating" means exterior coating and interior spray coating in two-piece can lines, interior and exterior coating in sheet coating lines for three-piece cans, side seam spray coating and interior spray coating in can fabricating lines for three-piece cans, and sealing compound application and sheet coating in end coating lines.

...

"Encasement" means any process or application that involves the direct application of any liquid or solid material onto, and in direct contact with, ACM, including but not limited to the application of multi-port self-curing resin systems, in order to totally confine or seal such ACM for purposes of abatement of the potential release of asbestos fibers.

"EQB" means Pennsylvania's Environmental Quality Board as described in Section 5 of the Pennsylvania Air Pollution Control Act.

"EPA" means the Administrator of the United States Environmental Protection Agency or his designee.

...

...

§2102.03 PERMITS GENERALLY

{Paragraph a.1 & d.2 & Subsections i & j amended, and k & l added September 6, 1995, effective October 20, 1995. Subsections b, j, and l amended, and m added mm/dd/2021, effective mm/dd/2021.}

...

- b. **Issuance.** Unless otherwise specifically provided under Part C, all permits issued pursuant to this Part or Part C of this Article shall be in written form, signed and issued by the Director, the Deputy Director, Bureau of Environmental ~~Quality~~ **Health**, the head of the Division of Air Quality, or the head of the Engineering Section, Bureau of Environmental ~~Quality~~ **Health** Division of Air Quality. **As soon as is practicable, the Department shall post a public notice of all permits issued in accordance with Paragraph m.2.**

...

j. **General Permits.**

1. Except as otherwise provided under this Subsection, the General Plan Approvals and Operating Permits requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.611 through 127.622 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
2. For purposes of this Article:
 - A. 25 Pa. Code §127.612(a), **shall be met by the requirements of Paragraph m.2 of this Section.** ~~shall only require the publication of the required notice in the Pennsylvania Bulletin and one newspaper of general circulation in the County;~~

...

3. Under the regulations incorporated by reference under this Subsection:
 - A. “Plan approval” shall mean Installation Permit;
 - B. “Department” shall mean Department as defined under this Article;

and

- ~~C. “Pennsylvania Bulletin” shall mean Pennsylvania Bulletin or a newspaper of general circulation in the County; and~~

~~DC~~. “Facility” shall mean Source.

...

1. **Temporary Sources at Multiple Locations.**

1. Except as otherwise provided under this Subsection, the requirements for Plan Approvals and Operating Permits for Sources Operating at Multiple Temporary Locations promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.631 through 127.642 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

2. For purposes of this Article:

- A. 25 Pa. Code §127.632(a), **shall be met by the requirements of Paragraph m.2 of this Section.** ~~shall only require the publication of the required notice in the Pennsylvania Bulletin and one newspaper of general circulation in the County;~~

...

3. Under the regulations incorporated by reference under this Subsection:

- A. “Plan approval” shall mean Installation Permit;
- B. “Department” shall mean Department as defined under this Article;

and

- ~~C. “Pennsylvania Bulletin” shall mean Pennsylvania Bulletin or a newspaper of general circulation in the County; and~~

~~DC~~. “Facility” shall mean Source.

...

m. Public Notice. Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at:

25 Pa. Code §§127.44, 127.45, & 127.51, as they relate to installation permits; 25 Pa. Code §§127.424, 127.425, & 127.431, as they relate to operating permits; 25 Pa. Code §§127.612, as it relates to General Permits; and 25 Pa. Code §632, as it relates to Temporary Sources at Multiple Locations; and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

1. Under the regulations incorporated by reference under this Subsection:

- A. "Plan approval" shall mean Installation Permit;**
- B. "Department" shall mean Department as defined under this Article;**
- C. "Pennsylvania Bulletin" shall mean the Department's air permitting website; and**
- D. "Facility" shall mean Source.**

2. Public notice shall be posted on the Department's air permitting website for a minimum of thirty (30) days or the duration of any public comment period. The Department will also provide notice using e-mail or regular U.S. postal service mailing to persons on a distribution list developed by the Department as provided under Paragraph 3.

3. Distribution list. The Department shall develop and maintain a subscription distribution list for the purpose of notification of permitting activity.

§2102.04 INSTALLATION PERMITS

{Paragraph a.5 deleted, Paragraphs b.11 & h.2 and Subsection j added, and Subparagraph a.1.B & Subsections g, h, & i amended September 6, 1995, effective October 20, 1995. Subparagraphs a.1.C and new paragraph a.5 added December 12, 2000, effective January 12, 2001. Subsection k added effective April 28, 2004. Subsection g amended March 23, 2012, effective April 3, 2012. Subsection i amended and Subsection j added mm/dd/2021, effective mm/dd/2021.}

...

i. Advance Notice.

In addition to all other notice requirements under this Part, the Department shall ~~cause to be published~~ **post** a public notice **in accordance with Paragraph 2102.03.m.2** of all permit applications received as soon as is practicable after such applications have been deemed to be complete. At the time of ~~publication~~ **the posting** of such notice, the applicant shall cause a copy of such notice to be sent to all municipalities in which the source for which the application has been submitted is located as required by Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5).

j. Public Notice of Draft Installation Permit.

The following procedures apply for public notice for draft permits, permit revisions, and permit modifications including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:

- 1. Notice shall be posted in accordance with Paragraph 2102.03.m.2. The Department may use other means to provide adequate notice to the affected public.**
- 2. The notice shall identify the source and its location; the name and address of the permittee; the name and address of the County Health Department Bureau of Environmental Health; the activity or activities involved in the permit action; the emissions changes involved in any permit modification; the means through which interested persons may obtain additional information from the Department, including copies of the draft permit, the application, all relevant supporting materials, and all other materials available to the Department that are relevant to the permit decision; a brief description of the comment procedures under this Subsection; and the time and place of any hearing that may be held. If no public hearing is scheduled,**

the notice shall include a statement of procedures to request a hearing;

3. The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing, except for minor modification applications which shall only require a 21 day public comment period; and

4. For at least two years following final action on an application, the Department shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public.

j. **Miscellaneous Notice Requirements.**

~~Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.44, 127.45, & 127.51, and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.~~

k. **Restrictions on Sources with Violations.**

...

§2102.05 INSTALLATION PERMITS FOR NEW AND MODIFIED MAJOR SOURCES

{Subsections c amended mm/dd/2021, effective mm/dd/2021.}

...

c. **Public Notice and Hearing.** Upon a determination that an Installation Permit application for a new or modified major source meets the requirements of this Article, the Department shall prepare a notice of its ~~proposed approval of the application~~ **draft installation permit** and of a public hearing on such ~~proposed approval~~ **draft installation permit** to the ~~be~~ held no sooner than 30 days following ~~publication~~ **the posting** of such notice in accordance with this Subsection. Such notice shall include at a minimum the name of the owner or operator, the type and size of the source, the proposed location, a concise

summary of the manner in which the requirements of this Part have been met, an identification of at least one location within the County where all information submitted in support of the application may be examined by the public, ~~an employee of~~ **a point of contact at** the Department to ~~whom~~ **which** public comments may be sent no later than ten (10) days following the public hearing and to ~~whom~~ **which** requests to testify at the public hearing may be sent within 30 days of the ~~publication~~ **posting** of the notice, and the date, time, and location of the public hearing. The Department shall then:

1. Cause such notice to be ~~published by prominent advertisement in either, at the discretion of the Department, at least two newspapers of general circulation in the County, or at least one newspaper of general circulation in the County and at least one local newspaper of general circulation in the municipality of the proposed location, for at least one day in each newspaper~~ **posted in accordance with Paragraph 2102.03.m.2.** ~~The applicant shall pay for the cost of all publications and certifications under this Paragraph;~~
2. Cause copies of the notice to be mailed to the Regional Administrator of the EPA, the Chairman of the Allegheny County Air Pollution Control Advisory Committee, the Chairman of the Allegheny County Board of Health, the appropriate agencies or departments of affected states, such other regional and local government units as specified by the Department, and to persons on a **distribution** list ~~developed by the Department~~ **as provided under Subsection 2102.03.m of this Article;** ~~including residents of the County who specifically request in writing to be on the list;~~
3. Retain all information submitted in support of the permit application in at least one location in the County and make all such information available for public inspection;
4. Provide copies of the Department's notice to any person who requests it; and
5. Obtain facilities for a public hearing to be held by the Department, at a place, date, and time determined in advance by the Department, and cause such hearing to be stenographically transcribed and a copy thereof to be furnished to the Department. The applicant shall pay for the cost of all public hearings and transcripts under this Paragraph.

§2103.11 APPLICATIONS

{Paragraph a.2 & Subsections b, d, e, f, & g amended & h added September 6, 1995, effective October 20, 1995. Subsections e, & f amended mm/dd/2021, effective mm/dd/2021.}

...

ge. Advance Notice.

In addition to all other notice requirements under this Part, the Department shall ~~cause to be published~~ **post** a public notice **in accordance with Paragraph 2102.03.m.2** of all permit applications received as soon as is practicable after such applications have been deemed to be complete. At the time of ~~publication~~ **the posting** of such notice, the applicant shall cause a copy of such notice to be sent to all municipalities in which the source for which the application has been submitted is located as required by Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5).

ef. Public Notice of ~~Preliminary Approval~~ **Draft Operating Permit.** All permit proceedings under this Subpart, including initial permit issuance, modifications, and renewals, shall include the following procedures for public notice including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:

1. Notice shall be given: ~~by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice; and by other means if deemed necessary by the Department to assure adequate notice to the affected public~~ **by posting the public notice in accordance with Paragraph 2102.03.m.2. The Department may use other means to provide adequate notice to the affected public;**
2. The notice shall identify the source and its location; the name and address of the permittee; the name and address of the County Health Department Bureau of Environmental ~~Quality~~ **Health**; the activity or activities involved in the permit action; the emissions changes involved in any permit modification; the ~~name, address, and telephone number of a Department representative from whom~~ **means through which** interested persons may obtain additional information **from the Department**, including copies of the draft permit, **the statement required by Paragraph 2103.21.c.3 of this Article for the draft permit**, the application, the compliance plan, monitoring and compliance certifications, all relevant supporting materials, and all other materials available to the Department **(except for publicly-available materials and publications)** that are relevant to the permit decision;

a brief description of the comment procedures under this Subsection; **and the time and place of any hearing that may be held.** ~~and~~ **If no public hearing is scheduled, the notice shall include** a statement of procedures to request a hearing;

3. The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing, except for minor modification applications which shall only require a 21 day public comment period; and
4. For at least two years following final action on an application, the Department shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public.

fg. Final Action.

Unless otherwise specifically provided under this Part, **the Department shall take final action** within 18 months of the date of a submittal of a complete application, including all applicable fees, for an Operating Permit under this Subpart, including applications for permit modifications and renewals. ~~the Department shall take final action on such application, except that for~~ **For** initial permit applications submitted under **the historical requirements of** Section 2103.01, **“Transition,”** of this Part, the Department shall take final action on such application within 18 months of a complete submittal of an application or within the specific applicable deadline set forth under Section 2103.01, whichever is later. A failure by the Department to take action in accordance with this Subsection constitutes a final action by the Department for the sole purpose of being appealable. The Court of Common Pleas may require that the Department take action on an application without further delay.

[Subsection 2103.11.g (“Advance Notice”) was moved to subsection 2103.11.e, above]

h. — Miscellaneous Notice Requirements.

~~— Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.424, 127.425, & 127.431, and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.~~

§2103.14 REVISIONS, AMENDMENTS, MODIFICATIONS

{Subparagraphs a.1.A, B, & D, b.1.D & E, Paragraphs b.2 & 4, and Subsection c amended, Subparagraph b.1.F deleted, & Paragraphs b.6 & 7 and Subsection e added September 6, 1995, effective October 20, 1995. Paragraphs c.1, 3, 4 & 6 and e.5 amended December 12, 2000, effective January 12, 2001. Subsections b, c, & e amended mm/dd/2021, effective mm/dd/2021.}

...

- b. **Administrative Permit Amendment Procedures.** An administrative permit amendment may be made by the Department consistent with the following:

...

6. The Department will take final action on the administrative amendment and ~~publish~~ **will post** public notice of the final action **in accordance with Paragraph 2102.03.m.2.**

...

- c. **Minor Permit Modification Procedures.**

...

3. At the time of submission of the application for a minor permit modification, the owner or operator shall notify the municipality where the source is located under Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5), and shall also ~~publish~~ **submit to the Department** a notice ~~in a local newspaper of general circulation~~ briefly describing the change including a change in actual emissions, of any air contaminant that would occur as a result of the change. **The Department will post the notice in accordance with Paragraph 2102.03.m.2.**

...

8. The Department will take final action on the proposed change within 60 days of receipt of the complete application for the minor permit modification and, after taking final action, will ~~publish~~ **post** public notice of the action **in accordance with Paragraph 2102.03.m.2.**

...

e. **De minimis Emission Increases.**

...

9. The Department will maintain a list of de minimis increases authorized by this Subsection in the permit file for the source and shall ~~publish~~ **post, in accordance with Paragraph 2102.03.m.2, for a minimum of thirty (30) days** a public list of the de minimis increases within 60 days of the receipt of notice for the source.

§2103.21 APPLICATIONS

{Subsection b amended and Subsection e added September 6, 1995, effective October 20, 1995. Paragraph c.2, and Subsection e amended August 29, 2013, effective September 23, 2013. Subsection a, c & e amended mm/dd/2021, effective mm/dd/2021.}

a. Generally.

1. If required by federal regulation or a federally approved provision under this Article, within 30 days after receipt of a complete application, with the appropriate fee, for an Operating Permit under this Subpart, including any **significant or minor** permit modification, the Department shall provide a copy of such submission to the Administrator.

...

c. **Public Notice of Preliminary Approval Draft Operating Permit.** Except for administrative permit amendments, all permit proceedings under this Subpart, including initial permit issuance, modifications, and renewals, shall include the following procedures for public notice including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:

1. Notice shall be given by the Department: ~~by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice~~ **by posting the public notice and each draft permit in accordance with Paragraph 2102.03.m.2;** ~~to persons on a mailing list developed by the Department, including residents of the County who specifically request in writing to be on the list;~~ to all affected States; to the Administrator; and by other means if deemed necessary by the Department to assure adequate notice to the affected public. Such public notice shall indicate that such notice is also being made to the Administrator. Notices to the Administrator and affected states shall be issued on or before the date of ~~publication~~ **the posting** of the required public notice;
2. Unless exempted by federal regulation or a federally approved provision under this Article, or resubmittal requirements of Subsection 2103.21.e, the Department shall also provide to the Administrator a copy of the draft permit, and such draft permit shall constitute a proposed permit for purposes of commencing the Administrator's 45 day review period;
3. The Department shall provide a statement that sets forth the legal and factual basis for the draft permit conditions, including references to the applicable statutory or regulatory provisions. The Department shall send a copy of this statement to EPA and to any other person who submits to the Department in writing an express request for a copy of such statement for a specific permit;

4. The Department shall keep a record of the commenters and also of the issues raised during the public participation process, **as well as records of the written comments submitted during that process,** to determine whether a citizen petition may be granted, and such records shall be available to the public.

- 5. The Department must respond in writing to all significant comments raised during the public participation process, including any such written comments submitted during the public comment period and any such comments raised during any public hearing on the permit. The Department shall provide to the Administrator the written response to comments and an explanation of how those public comments and the permitting authority's responses are available to the public.**

...

- e. Resubmittal to EPA. The Department shall resubmit to the Administrator any proposed **draft** permit to which **the Department receives significant comment during the public participation process** substantive comments or material substantive changes have been made as a result of comments received by the Department. **The Department shall also include with the resubmitted draft permit the statement required by Paragraph c.3 of this Section and the written response to comments and supporting materials required under Paragraph c.5 of this Section.** This resubmittal shall commence ~~T~~the Administrator's 45 day review period **for this proposed permit will not begin until such materials have been received by the EPA.**

§2103.22 ISSUANCE, STANDARD CONDITIONS

{Paragraph c.1 & Subsection j amended & Subsection k added September 6, 1995, effective October 20, 1995. Subsection l added January 22, 1998, effective March 31, 1998. Subsections b & c amended mm/dd/2021, effective mm/dd/2021.}

- b. **EPA Objection.** If the Administrator objects in writing to issuance of the permit within 45 days of receipt of the proposed permit and all necessary supporting information **required under Subsection 2103.21.c of this Article**, in accordance with 40 CFR §70.8(c), the Department shall, within 90 days after the date of such an objection, propose a revised permit in response to the objection in accordance with the requirements for proposal of such a permit under this Part.

...

c. **Public Petitions to the Administrator.**

1. If the Administrator does not object to the issuance of a permit in writing under Subsection b of this Section, any person may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection, except that any such petition shall be based only on objections to the permit that were raised by the petitioner with reasonable specificity during the public comment period provided for under this Part, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. **The petitioner shall provide a copy of such petition to the Department and the applicant.**
2. If the Administrator objects to a permit as a result of a petition filed under this Subsection, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the Department has issued a permit prior to receipt of an EPA objection under this paragraph, the Department shall thereafter issue only a revised permit that satisfies EPA's objection, but the source shall not be in violation of the requirement to have submitted a timely and complete application.

§2103.24 REVISIONS, AMENDMENTS, MODIFICATIONS

{Subsection c deleted September 6, 1995, effective October 20, 1995. New subsection c added December 12, 2000, effective January 12, 2001. Subsection c amended mm/dd/2021, effective mm/dd/2021.}

...

c. Minor Permit Modification Procedures

Sources subject to this subpart may make minor permit modifications on an expedited basis under this Subsection.

...

2. Within 5 working days of receipt of a complete permit modification application, the owner or operator shall notify the municipality where the source is located under Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5), all affected states, and the EPA of the requested permit modification. At the time of submission of the application for a minor permit modification, the owner or operator shall also ~~publish~~ **submit to the Department** a notice ~~in a local newspaper of general circulation~~ briefly describing the change, including a change in actual emissions of any air contaminant that would occur as a result of the change. **The Department will post the notice in accordance with Paragraph 2102.03.m.2.** Such notice shall clearly indicate that a person may comment to the Department and the source concerning the proposed change within 21 days from the date of ~~submission of the proposed minor permit modification to the Department~~ **the posting of the notice.**

...

7. The Department, after taking final action, will ~~publish~~ **post on the Department's air permitting website for a minimum of thirty (30) days** public notice of the action **in accordance with Paragraph 2102.03.m.2.**

§2105.31 WASTE-DERIVED LIQUID FUEL

{Paragraphs b.7 & e.6 restored May 7, 1998, effective May 15, 1998. Subsection e amended mm/dd/2021, effective mm/dd/2021.}

...

e. Alternative Standards and Procedures.

...

3. Should the Department preliminarily approve a request under this Subsection, the Department shall give public notice of the request for and preliminary approval of the alternative standard or procedure with:
 - A. Such notice to include:
 - i. The name and address of the owner or operator;
 - ii. A description of the equipment;
 - iii. The address of the location of the equipment;
 - iv. A summary of the reason for the request and justification for the alternative standard or procedure;
 - v. The address of the Department;
 - vi. The date, 30 days from the date of the ~~publication~~ **posting** of this notice, until which the Department will receive public comments concerning the preliminary approval of the alternative standard or procedure; and
 - B. Such notice to be ~~published in a newspaper of general circulation in Allegheny County, Pennsylvania,~~ **posted in accordance with Paragraph 2102.03.m.2** ~~for one~~ no later than ten (10) days after the preliminary approval is made by the Department.
4. After any public comment period required by Paragraph 3. of this Subsection, the Department may determine, at its sole discretion, that a public hearing is required before approving or denying a request under this Subsection, and if such a hearing is determined to be required, the Department shall give public notice of such hearing in such manner as is deemed appropriate by the Department.

End of Regulation Changes

2. Technical Support Document

The Clean Air Act (CAA) requires stationary sources of air pollution to obtain permits and authorizes the EPA to administer and oversee the permitting of such sources. To implement the CAA, the EPA promulgated permitting regulations for construction of sources pursuant to the NSR program under title I of the CAA, and for operation of major and certain other sources of air pollutants under title V of the CAA. These regulations are contained in 40 Code of Federal Regulations (CFR) parts 51, 70, and 71, and cover the requirements for federal permit actions (*i.e.*, when the EPA or a delegated air agency is the permitting authority) and the minimum requirements for EPA approval of state implementation plans (SIPs) and title V permitting programs. These rules contain, among other things, requirements for public notice and availability of supporting information to allow for informed public participation in permit actions.

While the CAA requires permitting authorities to offer the opportunity for public participation in the processing of air permits and other actions, it does not specify the best or preferred method for providing notice to the public. *See, e.g.*, CAA sections 165(a)(2) and 502(b)(6). In the late 1970s and early 1980s, when the EPA first developed air permitting regulations to provide public notice for the major NSR program, newspaper advertisement was the most commonly accepted method for providing notice to the public of permit actions under those programs and other agency actions. Over the years, however, the availability of and access to the Internet and other forms of electronic media have increased significantly in the United States. One effect of this development is that circulation of newspapers and other print media has declined, making printed newspaper notice less effective in providing widespread public notice of permit actions in many cases. Many permitting authorities electronically post permit notices on their agency Web sites. For example, many state title V programs regularly provide electronic postings to assure adequate public notice. 40 CFR 70.7(h)(1). Such electronic notice mechanisms provide an effective, convenient and cost-efficient way to communicate permitting-related information to the majority of the public.

Given these developments, the EPA has recognized that newspaper notice is no longer the only, or in many cases the most effective, method of communicating permitting actions to the public and has issued rules allowing alternate methods of communication.

The EPA issued revised rules which removed the mandatory requirement that draft permits for sources subject to the major NSR, or title V programs and certain other actions be noticed in a newspaper of general circulation and instead allow (or in some cases require) the use of Internet postings to provide notice (*i.e.*, e-notice). 81 FR 71613 (Oct. 18, 2016). For permits issued by agencies that implement an approved program meeting the requirements of 40 CFR parts 51 or 70, EPA allowed that those permitting authorities would have the option to adopt either e-notice or retain the newspaper noticing method. These permitting authorities must, however, select either e-notice or newspaper notice as their consistent noticing method. In addition, for all their draft permits, they must provide notice to the public through the noticing method selected and must indicate the consistent noticing method selected in their permitting rules. EPA also required that, when a permitting authority adopts e-notice, it also must provide e-access.

In the context of this rule, e-access means that the permitting authority must make the draft permit available electronically (*i.e.*, on the agency's public Web site or on a public Web site identified by the permitting authority) for the duration of the public comment period.

The ACHD is proposing changes to Article XXI in this SIP revision to provide for notice on the ACHD's air permitting website as the consistent noticing method. For major operating permits subject to 40 CFR part 70, the ACHD is revising the Article XXI regulations to comply with the EPA's e-notice requirements under 40 CFR § 70.7. For all other permitting activity, the ACHD will provide notice for a minimum period of 30 days on the ACHD's air permitting website. The ACHD is also revising Article XXI to specifically provide for an "interested persons distribution list." The public notice for permitting activity will be provided to the interested persons on this distribution list. Related to the distribution list, and regarding methodology for signing up on the ACHD website to be on the distribution list described in 2102.03.m, ACHD intends to discuss this with its IT department how that will be accomplished.

Finally, the ACHD is proposing changes to Article XXI in this SIP revision to address the latest changes to 40 CFR §70.7 "Permit issuance, renewal, reopenings, and revisions," and 70.8 "Permit review by EPA and affected states," especially with regard to permit petition requirements.

The changes to the following Sections will be submitted as changes to the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP):

§2101.20, Definitions

§2102.03, Permits Generally, all changes, including addition of new Subsection "m," but not Subsection "l."

§2102.04, Installation Permits.

§2102.05, Installation Permits for New and Modified Major Sources.

§2103.11, Operating Permits (All Major and Minor Permits) Applications.

§2103.14, All Major and Minor Permits -- Revisions, Amendments, Modifications.

The changes to the following Sections will NOT be submitted as changes to the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP) since these sections are not currently in the SIP:

§2103.21, Additional Requirements for Major Permits -Applications.

§2103.22 Issuance, Standard Conditions

§2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications-

§2105.31, Waste-Derived Liquid Fuel.

Title V program revision submittal

Except §2103.24.c., all revised sections listed above are included in the Part 70 Partial State Operating Permit Program and are being submitted as a Title V program revision.

3. Documentation of Public Hearing and Certifications

- a. Public hearing notice
- b. Transmittals of hearing notice to EPA & PA DEP
- c. Proof of publication of notice of hearing
- d. Certification of hearing
- e. Summary of Comments and responses
- f. Certifications of approval and adoption

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

The Allegheny County Board of Health (ACHD) will hold a virtual public hearing on Wednesday, November 3, 2021, at 10:00 AM to take testimony on proposed modifications to the following sections of ACHD Article XXI, along with the corresponding sections of County Ordinance 16782, as follows:

Sections related to Permit Advertising:

- §2101.20, Definitions
- §2102.03, Permits Generally
- §2102.04, Installation Permits
- §2102.05, Installation Permits for New and Modified Major Sources
- §2103.11, Operating Permits (All Major and Minor Permits) Applications
- §2103.14, All Major and Minor Permits -- Revisions, Amendments, Modifications
- §2103.21, Additional Requirements for Major Permits -Applications
- §2103.22 Issuance, Standard Conditions
- §2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications
- §2105.31, Waste-Derived Liquid Fuel

The changes to these sections will be submitted as revisions to Allegheny County's portion of the Pennsylvania State Implementation Plan (SIP) as delineated in the Technical Support Document.

Sections related to De-delegation of Authority of the Risk Management Plan:

- §2104.08, National Emission Standards for Hazardous Air Pollutants; and related
- §2101.20, Definitions

The changes to these sections will not be submitted as revisions to Allegheny County's portion of the Pennsylvania SIP.

The proposed regulations/SIP revisions are available on the Allegheny County Health Department (ACHD) Air Quality web site at www.alleghenycounty.us/regs-sips. Written copies may be obtained by calling 412-578-8103.

The hearing will be held virtually in compliance with safety precautions due to the COVID-19 pandemic.

- Persons wishing to present testimony at the hearing must register by going to the ACHD's website at [Public Hearing Participation Form | Health Department | Allegheny Home](http://PublicHearingParticipationForm|HealthDepartment|AlleghenyHome) (alleghenycounty.us). Persons who do not have access to the internet may register by calling 412-578-8103.
- You must register to present testimony no less than 24 hours in advance of the virtual hearing.
- Testimony is limited to 3 minutes.

The Board will also accept written comments, beginning on Monday, October 4, 2021, and concluding at 4:00 PM on Wednesday, November 3, 2021, by mail to ACHD Air Program, 301 39th Street, Bldg. 7, Pittsburgh, PA 15201-1811, or by email to aqcomments@alleghenycounty.us.

Please call 412-578-8103, if you have any questions or if you have any difficulty registering for the hearing.

Lattner, Tom

From: Lattner, Tom
Sent: Friday, October 1, 2021 1:32 PM
To: Fernandez.Cristina@epa.gov
Cc: Goold.Megan; 'Gordon.Mike@epa.gov'; Etzel, Sandra
Subject: Notice of Public Hearing for ACHD Permit Advertising regulations
Attachments: EPA hearing notification letter.Permitt Advertising and RMP Regs.SIP95 and non-SIP86.10.1.2021.docx

Hello Ms. Fernandez,

This is to formally advise you through the attached letter, that the Allegheny County Health Department will be holding a public comment period starting October 4, 2021 and running through November 3, 2021 at 4:00 PM, and a public hearing on November 3, 2021 on our proposed revisions to Article XXI and the PA SIP related to the Permit Advertising regulations, and a non-SIP regulation revision involving minor updates to Article XXI made necessary by the Health Department's de-delegation of its Risk Management Plan in 2019.

Details can be found in the attached letter which includes embedded files for the hearing notice and the proposed SIP changes.

Thank you for consideration of this matter.

Tom Lattner



Tom Lattner
A.P.C. Engineer III
Air Quality Program
301 39th St., Bldg. 7
Pittsburgh, PA 15201
412-578-7986
Tom.Lattner@AlleghenyCounty.US



EPA hearing
notification letter.Perr

Lattner, Tom

From: Lattner, Tom
Sent: Friday, October 1, 2021 1:28 PM
To: Hammond, Mark
Cc: Dalal, Kirit; Hepler, Stephen (shepler@pa.gov); 'shoyle@pa.gov'; Etzel, Sandra
Subject: Notice of Public Hearing for ACHD Permit Advertising regulations
Attachments: PA DEP hearing notification letter.Permitt Advertising and RMP Regs.SIP95 and nonSIP86. 10.1.2021.docx

Hello Mr. Hammond,

This is to formally advise you through the attached letter, that the Allegheny County Health Department will be holding a public comment period starting October 4, 2021 and running through November 3, 2021 at 4:00 PM, and a public hearing on November 3, 2021 on our proposed revisions to Article XXI and the PA SIP related to the Permit Advertising regulations, and a non-SIP regulation revision involving minor updates to Article XXI made necessary by the Health Department's de-delegation of its Risk Management Plan in 2019.

Details can be found in the attached letter which includes embedded files for the hearing notice and the proposed SIP changes.

Thank you for consideration of this matter.

Tom Lattner



Tom Lattner
A.P.C. Engineer III
Air Quality Program
301 39th St., Bldg. 7
Pittsburgh, PA 15201
412-578-7986
Tom.Lattner@AlleghenyCounty.US



PA DEP hearing
notification letter.Perr

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 D. Rullo, 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:

03 of October, 2021

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:
October 04, 2021



Commonwealth of Pennsylvania - Notary Seal
Karen Flaherty, Notary Public
Allegheny County
My commission expires November 16, 2024
Commission number 1386128
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS
ALLEGHENY CO HEALTH DEPT-LEGAL
542 4TH AVENUE
PITTSBURGH PA 15219

To PG Publishing Company

Total ----- \$168.00

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
legaladvertising@post-gazette.com
Phone 412-263-1440

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

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 VIRTUAL PUBLIC HEARING AND PUBLIC COMMENT PERIOD

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

The Allegheny County Board of Health (ACHD) will hold a virtual public hearing on Wednesday, November 3, 2021, at 10:00 AM to take testimony on proposed modifications to the following sections of ACHD Article XXI, along with the corresponding sections of County Ordinance 16782, as follows:

- Sections related to Permit Advertising:
 - § 2101.20, Definitions
 - § 2102.03, Permits Generally
 - § 2102.04, Installation Permits
 - § 2102.05, Installation Permits for New and Modified Major Sources
 - § 2103.11, Operating Permits (All Major and Minor Permits) Applications
 - § 2103.14, All Major and Minor Permits - Revisions, Amendments, Modifications
 - § 2103.21, Additional Requirements for Major Permits Applications
 - § 2103.22, Issuance Standards
- § 2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications
- § 2106.31, Waste-Derived Liquid Fuel

The changes to these sections will be submitted as revisions to Allegheny County's portion of the Pennsylvania State Implementation Plan (SIP) as delineated in the Technical Support Document.

Sections related to the Risk Management Plan:

- § 2104.08, National Emission Standards for Hazardous Air Pollutants and related

§ 2101.20, Definitions

The changes to these sections will not be submitted as revisions to Allegheny County's portion of the Pennsylvania SIP.

The proposed regulations/SIP revisions are available on the Allegheny County Health Department (ACHD) Air Quality Web site at www.alleghenycounty.us/aqrgs. Written copies may be obtained by calling 412-578-8103.

The hearing will be held virtually in compliance with safety precautions due to the COVID-19 pandemic.

Persons wishing to present testimony at the hearing must register by going to the ACHD website at Public Hearing Participation Form | Health Department | Allegheny County (alleghenycounty.us).

Persons who do not have access to the internet may register by calling 412-578-8103.

You must register to present testimony no less than 24 hours in advance of the virtual hearing.

Testimony is limited to 3 minutes.

The Board will also accept written comments beginning on Monday, October 4, 2021, and concluding at 4:00 PM on Wednesday, November 3, 2021, by mail to ACHD Air Quality, 2301 32nd Street, Suite 1500, Pittsburgh, PA 15201-1611, or by email to achd@alleghenycounty.us.

Please call 412-578-8103 if you have any questions or if you have any difficulty registering for the hearing.

Revision 95

Article XXI

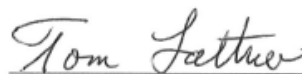
§2101.20, Definitions
§2102.03, Permits Generally
§2102.04, Installation Permits
§2102.05, Installation Permits for New and Modified Major Sources
§2103.11, Operating Permits (All Major and Minor Permits) Applications
§2103.14, All Major and Minor Permits -- Revisions, Amendments,
Modifications

Certification of Hearing

Tom 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 November 3, 2021 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 listed above related to permit advertising;"

that certain of 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 as delineated in the Technical Support Document;

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 October 3, 2021; 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.

 9-28-2022
Tom Lattner, Date
Air Pollution Control Engineer
Air Quality Program
Allegheny County Health Department

SUMMARY OF COMMENTS AND RESPONSES
for
Proposed SIP Revision 95

Article XXI, Various Sections related to Permit Advertising

Public Comment Period: October 4 to November 3, 2021
Public Hearing: November 3, 2021

General support for the regulation

- 1. Comment:** The Department has not demonstrated that it can opt out of state regulatory requirements for notice, without an amendment of the state regulations. For several air permits, the Department proposes to eliminate requirements that notices be published in a newspaper or in the Pennsylvania Bulletin.

Commenters: Joseph Otis Minott, Esq. and Christopher D. Ahlers, Esq., Clean Air Council.

Response: ACHD considers requirements for notice to be administrative requirements. In accordance with the Pennsylvania Air Pollution Control Act, Section 12 “Powers Reserved to Political Subdivisions,” Subsection (b), administrative procedures set forth in the act shall not apply to any county which has an air pollution control program approved by the State. Further, EPA regulations for Title V sources allow a local agency, such as the ACHD, to provide public notice for permits on a website and not in a newspaper. 40 CFR § 70.7(h). In its comments on the regulation, the EPA noted that allowing e-notice through a website will “result in broader and better-informed public participation” and “improve communication with [environmental justice] communities and other target audiences.” 81 FR 71620 (Oct. 18, 2016). The ACHD is proposing the revisions for these reasons and disagrees with the commenters’ position that public notice should be published in the Pennsylvania Bulletin.

- 2. Comment:** In addition to requiring the posting notice of proposed permits on its website, the Department should require the posting of supporting documents, including the permit application documents.

Commenters: Joseph Otis Minott, Esq. and Christopher D. Ahlers, Esq., Clean Air Council.

Response: The Health Department intends to make permits available as much possible by either posting on the website or making it known how they may otherwise be accessed.

CERTIFICATION of APPROVAL and ADOPTION

To the best of my knowledge, information, and belief, I the undersigned hereby certify that the amendments revising §§2101.20, 2102.03, 2102.04, 2102.05, 2103.11, and 2103.14 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, adopted by the Allegheny County Board of Health on January 5, 2022, ratified by the Allegheny County Council on September 13, 2022 (Ordinance 23-22-OR, Bill No. 12400-22), approved by the Allegheny County Chief Executive on September 16, 2022, and effective September 26, 2022, 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.



Jason Willis, Esq.
Solicitor
Allegheny County Health Department