

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

§2105.08
**Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile
Organic Compounds For the 2015 Ozone NAAQS**

and

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

(Revision Tracking No. 98)

(Document date: November 1, 2022)

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1. Regulation Revision

Article XXI, §2105.08 is new and printed in regular type.

§2105.08 Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile Organic Compounds for the 2015 Ozone NAAQS *(Added October 26, 2022, effective January 1, 2023.)*

- a. Except as otherwise provided under this Section, the additional RACT requirements for major sources of nitrogen oxides and volatile organic compounds promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §129.111 to §129.115, 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.

- b. Under the regulations incorporated by reference under this Section and for purposes of this Article:
1. "Combustion unit" shall mean 'Fuel burning and combustion equipment,' as defined in this Article;
 2. "Plan approval" shall mean Installation permit;
 3. The terms "Department" and "approved local air pollution control agency" shall mean Department as defined under this Article;
 4. "Facility" shall mean Source as defined under this Article;
 5. With respect to the requirements of 25 Pa. Code §129.111 to §129.115, the sections of 25 Pa. Code Chapter 129 cited there shall mean the corresponding Article XXI sections listed in the following table. Where there is no corresponding Article XXI section as indicated by "None" in the table, follow the requirements of the Pennsylvania Code.

25 Pa. Code	Article XXI		25 Pa. Code	Article XXI
§129.51	§2105.01		§129.71	§2105.19
§129.52	§2105.10 incl. Table 2105.10		§129.72	None*
§129.52a	§2105.77		§129.73	§2105.74
§129.52b	§2105.79		§129.75	§2105.75
§129.52c	§2105.78		§129.77	§2105.85
§129.52d	§2105.83		§129.91, §§129.93-95	§2105.06 applicable subsections
§129.52e	§2105.84		§129.92	§2105.06.a-c and §129.92
§129.54	§2105.04		§§129.96-100	None*
§129.55	§2105.70		§129.101	§2105.76
§129.56	§2105.12		§129.102	§2105.76
§129.57	§2105.12		§129.103	§2105.76
§129.58	§2105.70		§129.104	§2105.76
§129.59	§2105.13		§129.105	§2105.76
§129.60	§2105.13		§129.105	§2105.76

§ 129.61	§2105.13		§ 129.106	§2105.76
§ 129.62	§2105.13		§ 129.107	§2105.76
§ 129.63	§2105.15		§ 129.301	§2105.101
§ 129.63a	§2105.82		§ 129.302	§2105.101
§ 129.64	§2105.16		§ 129.303	§2105.101
§ 129.65	§2105.17		§ 129.304	§2105.101
§ 129.66	None*		§ 129.305	§2105.101
§ 129.67	§2105.11		§ 129.306	§2105.101
§ 129.67a	§2105.81		§ 129.307	§2105.101
§ 129.67b	§2105.80		§ 129.308	§2105.101
§ 129.68	§2105.71		§ 129.309	§2105.101
§ 129.69	§2105.72		§ 129.310	§2105.101

*25 Pa. Code §129.66, §129.72, and §§129.96-100 have no corresponding Article XXI sections. Additional Notes on Corresponding Regulations: 25 Pa. Code §129.201-205 apply to certain sources only in Bucks, Chester, Delaware, Montgomery or Philadelphia County. 25 Pa. Code §145.111-113 are part of the NOx SIP call and not regulated by Allegheny County. 25 Pa. Code §145.141-145, Cement Manufacturing – no Allegheny Count Sources.

6. Regarding 25 Pa. Code §129.112(e)(1), and with respect to a municipal solid waste landfill constructed, reconstructed or modified on or before July 17, 2014, §2105.73 of this Article applies, and "§122.3" shall mean Subsection §2105.05 of this Article;
7. Regarding 25 Pa. Code §129.112(e)(2), and with respect to a municipal solid waste landfill constructed after July 18, 2014, "§122.3" shall mean Subsections §2105.05 of this Article;
8. Regarding 25 Pa. Code §129.112(l) and RACT permits issued to the owner or operator of an air contamination source:
 - A. 25 Pa. Code §§129.91 – 129.95, shall mean Section 2105.06 of this Article;
 - B. "stationary" sources shall mean "major" sources.
9. Regarding 25 Pa. Code §129.112(m) and any other portions of §§129.111-115:
 - A. 25 Pa. Code §§129.201 - 205, do not apply to Allegheny County;
{Editor's Note: They apply to the counties around Philadelphia.}
 - B. 25 Pa. Code §§129.301 - 310, shall mean Section 2105.101 of this Article;
 - C. 25 Pa. Code §§145.111 - 113, there are no corresponding Article XXI regulations;
{Editor's Note: 25 Pa. Code §§145.111 – 113 are part of the NOx SIP Call regulations, for which DEP prohibits ACHD from enacting regulations.}
 - D. 25 Pa. Code §§145.141 - 146, do not apply to Allegheny County.
{Editor's Note: There are no Portland cement plants in Allegheny County.}
10. Regarding 25 Pa. Code §129.114(d)(1), and (d)(3), "25 Pa. Code §129.92(a)(1)-(5), (7)-(10) and (b)" shall mean that and Article XXI §2105.06.a, b, and c.
11. Regarding 25 Pa. Code §129.114(f) and (j), "25 Pa. Code Chapter 127" shall mean Article XXI Parts Band C.
12. Regarding 25 Pa. Code §129.114(j)(2), the Department shall publish notice in accordance with Article XXI §2102.03.m.2.

13. Regarding 25 Pa. Code §129.115(b)(1), (3), (4) and (5), monitoring and testing shall be in accordance with “Chapter 139, Subchapter C” as incorporated by Article XXI, §2108.02.g.
14. Regarding 25 Pa. Code §129.115(b)(6) and (e)(2), monitoring and testing shall be in accordance with “Chapter 139, Subchapter A” as incorporated by Article XXI, §2107.01.b.
15. Regarding 25 Pa. Code §129.115(f), “25 Pa. Code, Part 1, Subpart C, Article III” shall mean Article XXI.

End of Regulation Changes

2. Technical Support Document

Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile Organic Compounds For the 2015 Ozone NAAQS

The ACHD Air Quality Program is adding regulations regarding Reasonably Available Control Technology (RACT) for major sources of nitrogen oxides and volatile organic compounds (VOCs) by “incorporating by reference” regulations being added by the state of Pennsylvania at 25 Pa. Code §129.111 through §129.115, and related definitions at §129.121.

Addition of Article XXI, §2105.08, “Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile Organic Compounds for the 2015 Ozone NAAQS.”

The ACHD Air Program is amending Article XXI relating to source emission and operating standards in order to satisfy Federal Clean Air Act (CAA) obligations for reasonably available control technology (RACT) requirements for the National Ambient Air Quality Standards (NAAQS) for ozone. The amendment adds new §2105.08 relating to additional RACT requirements for major sources of NO_x and VOCs for the 2015 Ozone NAAQS, which establishes RACT requirements for the owner and operator of certain types of stationary air contamination sources located at any major NO_x emitting facility or any major VOC emitting facility that was in existence in Allegheny County on or before August 3, 2018. (Note: For this regulation revision, it is not necessary to make any changes to §2101.20, Definitions, to correspond to changes made by the state to the definitions at 25 Pa. Code §121.)

Purpose of the Regulation Revision

The regulation revision is mandated by Federal law or regulation. Section 109(b) of the CAA provides that the Administrator of the U.S. Environmental Protection Agency (EPA) must establish NAAQS for criteria air pollutants at requisite levels that protect public health and public welfare. The EPA set the ground-level ozone NAAQS in July 1997 at 0.08 part per million (ppm) averaged over 8 hours and lowered it in March 2008 to 0.075 ppm. On October 26, 2015, the EPA lowered the standard once again, this time to 0.070 ppm.

The EPA made designations for the 2015 8-hour ozone standards on June 4, 2018, with an effective date of August 3, 2018. The EPA designated areas around Philadelphia as “marginal” nonattainment, with the rest of the Commonwealth designated attainment/unclassifiable.

For RACT implementation purposes, the entire Commonwealth is treated as a “moderate” ozone nonattainment area, because this Commonwealth is included in the Ozone Transport Region (OTR) established by operation of law under sections 176A and 184 of the CAA. Section 184(b) of the CAA addresses provisions for the SIP of a state included in the OTR. Section 184(b)(1)(B) of the CAA requires that states in the OTR, including this Commonwealth, submit a SIP revision requiring implementation of RACT for all major stationary sources of NO_x and VOC emissions in the state and not just for those sources that are located in designated nonattainment areas of the state. The proposed RACT requirements would apply to all major facilities or sources in this Commonwealth that emit or have a potential to emit equal to or greater than 100 TPY of NO_x or 50 TPY of VOCs, as

required under section 184 of the CAA for states in the OTR. Consequently, the Commonwealth's SIP must include RACT regulations applicable Statewide to affected major stationary sources of NO_x and VOC emissions.

Because Allegheny County, as part of Pennsylvania, is located in the Ozone Transport Region, the County is thus required to implement RACT requirements for major stationary sources of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) as part of a Federally approvable State Implementation Plan (SIP) for the 2015 8-hour ozone NAAQS.

States in the OTR are required to submit SIP revisions addressing the RACT requirements of Section 184 of the CAA not later than two years after the effective date of the designations. The RACT SIP submittal for the 2015 8-hour ozone standard was due to the EPA August 3, 2020, two years after the effective date (August 3, 2018) of the 8-hour ozone designations. Sources subject to this set of RACT requirements must comply by January 1, 2023.

The regulation revision amends Article XXI to establish presumptive RACT requirements and emission limitations for the owners and operators of certain major stationary sources of NO_x and VOC emissions. The source categories include combustion units, boilers, process heaters, turbines, engines, municipal solid waste landfills, municipal waste combustors, cement kilns and other NO_x and VOC emission sources not regulated by RACT requirements elsewhere in Article XXI.

The final rulemaking also includes provisions establishing a petition process for approval of an alternative compliance schedule by the Department, a facility-wide or system wide NO_x emissions averaging plan provision, an alternative RACT proposal petition process, and compliance demonstration and recordkeeping requirements.

This regulation revision will be submitted to the EPA as a revision to the Allegheny County portion of the Pennsylvania SIP.

3. Attachment – For Information Only
“03_7-561_RACT III_Final_Annex”
Pennsylvania DEP Final Form Annex

The document below contains the Pennsylvania DEP’s “final form” RACT III regulation.

ACHD is not submitting the DEP regulation as a part of its SIP submittal. It is attached to this ACHD document only to illustrate what the ACHD is “incorporating by reference” into its Article XXI.



03_7-561_RACT
III_Final_Annex.pdf

At the time of this writing, the PA DEP RACT III regulation has been the subject of a public comment period and public hearings, and the resultant draft final form regulation has been approved by the Environmental Quality Board at the August 9, 2022 meeting, and by the IRRC at its September 15, 2022 meeting.

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 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 will hold a public hearing on Thursday, August 18, 2022, at **10:00** AM in the First Floor Conference Room at Building #7 of the Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on the proposed addition of Section 2105.08, “**Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile Organic Compounds for the 2015 Ozone NAAQS**” to Allegheny County Health Department Article XXI, and corresponding County Ordinance 16782.

The addition of §2105.08 will be submitted as a revision to Allegheny County’s portion of the Pennsylvania State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS).

The proposed 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.

- Persons wishing to present testimony at the hearing must register by going to the ACHD’s Air Quality website at www.alleghenycounty.us/regs-sips. 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 hearing.
- Testimony is limited to 3 minutes. Witnesses are requested to submit written copies of the testimony by email to aqcomments@alleghenycounty.us.

The Board will also accept written comments, beginning on Monday, July 18, 2022, and concluding at 4:00 PM on Thursday, August 18, 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.

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

July 15, 2022

Mr. Mark Hammond, 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. Hammond:

Attached is a Notice of Public Hearing for a proposed revision to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding the addition of §2105.08, **“Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile Organic Compounds for the 2015 Ozone NAAQS.”** The proposed new section of Article XXI will incorporate by reference the Pennsylvania Department of Environment Protection’s proposed RACT III rules being added as 25 Pa. Code §129.111 through §129.115 and the related definitions at 25 Pa. Code §121.1.

This revision will also be submitted as a change to Allegheny County’s portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 98.

Information regarding the proposed SIP change may also be found on the ACHD website at: [Regulations and SIPs | Air Quality | Health Department | Allegheny County](#)

The public comment period begins July 18, 2022 and concludes August 18, 2022 at 4:00 pm. The public hearing will be held August 18, 2022. Your comments are welcome.

Sincerely,

Dean DeLuca, electronically signed

Dean DeLuca, Manager
Air Quality Planning & Data Analysis Program

cc: Kirit Dalal
Steve Hepler

ACHD SIP98 Hearing Notice Letter
July 15, 2022
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Email Attachments

- Public Hearing Notice



Public_Hearing_Notice
e_RACT III Regulations

- Proposed Article XXI/SIP Revision 98



Proposed RACT III
Regulation.To Public C

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

July 15, 2022

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

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Dean DeLuca, electronically signed

Dean DeLuca, Manager
Air Quality Planning & Data Analysis Program

ACHD SIP98 Hearing Notice Letter
July 15, 2022
Page 2

Email Attachments

- Public Hearing Notice



Public_Hearing_Notice_RACT III Regulations

- Proposed Article XXI/SIP Revision 98



Proposed RACT III Regulation.To Public C

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 L. Weber, 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 July, 2022

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:
July 18, 2022



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 ----- \$118.50

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 PUBLIC HEARING AND PUBLIC COMMENT PERIOD

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

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Revision 98

Article XXI

Section 2105.08, "Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile Organic Compounds For the 2015 Ozone NAAQS"

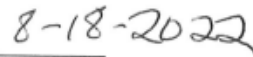
Certification of Hearing

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 August 18, 2022 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 adding §2105.08, "Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile Organic Compounds For the 2015 Ozone NAAQS;"

that the addition of §2105.08 is 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 July 17, 2022; 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.





Tom Lattner,
Air Pollution Control Engineer
Air Quality Program
Allegheny County Health Department

Date

SUMMARY OF COMMENTS AND RESPONSES

for

SIP Revision 98

Article XXI, §2105.08, “Additional RACT Requirements for Major Sources of Nitrogen Oxides and Volatile Organic Compounds For the 2015 Ozone NAAQS.”

Public Comment Period: July 18 to August 18, 2022

Public Hearing: August 18, 2022

No comments were received during the public comment period.

CERTIFICATION of APPROVAL and ADOPTION

To the best of my knowledge, information, and belief, I the undersigned hereby certify that the amendment adding §2105.08 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, adopted by the Allegheny County Board of Health on September 7, 2022, ratified by the Allegheny County Council on October 25, 2022 (Ordinance 34-22-OR, Bill No. 12456-22), approved by the Allegheny County Chief Executive on October 26, 2022, and effective January 1, 2023, 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, was duly and properly enacted as prescribed by the Local Health Administration Law and the Allegheny County Home Rule Charter, and as such, is 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