

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

December 12, 2022

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

Dear Ms. Fernandez:

Regarding the "Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Constructed on or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014," found at 40 CFR Part 62, Subpart OOO, promulgated on May 21, 2021 pursuant to §111(d) of the Clean Air Act for purposes of implementing the emission guidelines at 40 CFR Part 60, Subpart Cf, the Allegheny County Health Department (ACHD) requests full delegation to Allegheny County of authority to implement the Federal plan.

An attachment is enclosed that demonstrates that the ACHD has adequate resources as well as the legal and enforcement authority to administer and enforce the Federal Plan for MSW Landfills. Emission inventory information is also included in the attachment for the three existing facilities in Allegheny County affected by the Federal plan.

Based on the information in the attachment, ACHD requests that the EPA approve the §111(d) request for delegation of authority for MSW Landfills in Allegheny County.

Note that ACHD does have an existing MSW Landfills 111(d) plan as defined by 40 CFR §62.9630, for the 1996 MSW Landfills EG, approved effective April 16, 1999 (64 FR 13075, March 17, 1999), and, therefore, requests the EPA to withdraw that MSW Landfills plan should the EPA approve this request for delegation.

A public comment period was held from June 10, 2022 until July 11, 2022. A public hearing was conducted on July 11, 2022.

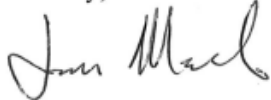


DEBRA L. BOGEN, MD, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
301 39TH STREET • CLACK HEALTH CENTER • BUILDING 7
PITTSBURGH, PA 15201-1811
PHONE (412) 578-8103 • FAX (412) 578-8144
24-HR (412) 687-ACHD (2243)
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



If you have any questions or require additional information, please contact me at 412-578-8104 or jason.maranche@alleghenycounty.us or Tom Lattner at 412-578-7986 or tom.lattner@alleghenycounty.us.

Sincerely,



Jason Maranche
Acting Manager, Planning and Data Analysis Program
Allegheny County Health Department

cc: Geoffrey Rabinowitz (ACHD)
Kirit Dalal (PA DEP)
Stephen Hepler (PA DEP)

Attachment

ALLEGHENY COUNTY HEALTH DEPARTMENT

Request for Delegation of Authority

to Implement the

Federal Plan for Municipal Solid Waste Landfills

(Filed under Tracking No. 99)

(Tracking No. 99)

SUBMITTAL CONTENTS

ACHD letter (see Cover) to the U.S. EPA requesting delegation of authority to implement the Federal Plan for Municipal Solid Waste Landfills

- A. Attachment to the letter demonstrating how ACHD satisfies the federal plan delegation request requirements specified in 86 FR 27756 Section VI.D.
- B. Documentation of Public Hearing and Certifications
 - 1. Public Hearing Notice
 - 2. Proof of Publication of Hearing
 - 3. Notices to US EPA and PA DEP
 - 4. Certification of Hearing
 - 5. Summary of Comments and Responses

A. Attachment to Letter

I. Background

The Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to establish performance standards for Municipal Solid Waste Landfills pursuant to section 111 of the Act. On August 29, 2016, the EPA promulgated New Source Performance Standards (NSPS) for "new" MSW Landfills and Emission Guidelines (EG) for "existing" MSW Landfills. The NSPS are directly enforceable Federal regulations. EG, on the other hand, promulgated under section 111(d) of the CAA, establish criteria for state and local agencies to develop control strategies for "existing" landfills. The EG are not themselves directly enforceable. Instead, states must submit to the EPA a Plan to implement and enforce the requirements of the EG.

If states fail to submit such plans, the EPA is required to develop, implement, and enforce a Federal plan for MSW Landfills located in any states that have not submitted an approvable plan. Several states and local agencies, including Allegheny County, have not submitted state 111(d) plans for their MSW Landfills. Therefore, on May 21, 2021 (86FR27756), the EPA promulgated "Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014," found at 40 CFR Part 62, Subpart OOO, ensuring implementation and enforcement of the EG until such states submit approvable plans.

As an alternative to submitting a state plan, EPA allows that a state may also meet its CAA section 111(d) obligations by submitting an acceptable written request for delegation of authority of the federal plan (86FR27766, May 21, 2021). This is the approach being taken by Allegheny County in submitting this request for delegation of authority to implement and enforce the Federal MSW Landfills Plan of 40 CFR 62, Subpart OOO.

86 FR 27756 Section VI.D states that if a state intends to take delegation of the Federal plan, the state must submit a written request for delegation of authority to the appropriate EPA Regional office. The state must explain how it meets the criteria for delegation. The letter requesting delegation of authority to implement the federal plan must:

- (1) Demonstrate that the state has adequate resources, as well as the legal authority, to administer and enforce the program;
- (2) include an inventory of designated MSW landfills, and an inventory of the designated units' air emissions;
- (3) certify that a public hearing was held on the state delegation request; and
- (4) include a Memorandum of Agreement between the state and the EPA that sets forth the terms, conditions of the delegation, the effective date of the agreement and the mechanism to transfer authority. Additional guidance and information are given in the EPA's "Good Practices Manual for Delegation of NSPS and NESHAP, 1983."

What follows is a demonstration that Allegheny County meets these requirements.

II. Demonstration of Adequate Resources

The following paragraph demonstrates that the County has adequate resources to administer the program as required by 86 FR 27766 (May 21, 2021).

The Allegheny County Health Department will be the implementing agency, and its Air Quality Program will be assigned to implement and enforce the requirements of 40 CFR Part 62, Subpart OOO. There are approximately fifty (50) employees in the Air Quality Program, including a deputy director, program manager, administrators, chemical engineers, civil engineers, electrical engineers, chemists, technicians, inspectors, and clerical staff. Within the Engineering and Enforcement Sections, there are approximately twenty (20) employees with work duties focusing on permitting and enforcement. Personnel experience is an integration of permitting, chemical plant and refining operations, metal processing, industrial and environmental process control, industrial hygiene and toxicology, and hazards analysis. The Air Quality Program also includes planning, process auditing, personnel training, field inspections, analytical techniques, environmental monitoring, data analysis, and asbestos remediation.

III. Demonstration of the County's Legal Authority to Administer and Enforce the Federal MSW Landfills Plan

The following paragraphs demonstrate that the County has the legal and enforcement authority to enforce the program as required by 86 FR 27766 (May 21, 2021), and the legal authority to carry out the plan as required by 40 CFR §60.26, Legal Authority.

The Allegheny County Health Department has the authority to make regulations, if necessary, and enforce regulations to implement this plan through the following authority: Pennsylvania Air Pollution Control Act, 1960, Jan. 8, P.L. (1959) 2119, as last amended 1992, July 9, P.L. 460, No. 95, 35 P.S.; Local Health Administration Law, 1951, Aug. 24, P.L. 1304, as last amended 1990, Dec. 17, P.L. 717, No. 179, 16 P.S.; Second Class County Code, 1953, July 28, P.L. 723, as amended 1977, Dec.1, P.L. 234, No. 74, 16 P.S.; Rules and Regulations of the Allegheny County Health Department, Article XXI, Air Pollution Control, County Ordinance 16782, as adopted March 15, 1995, and September 6, 1995, by the Allegheny County Board of Health, effective October 10, 1995.

The Department has sufficient statutory and regulatory authority under its installation permit and operating permit programs to implement the Plan. The Department is authorized to revise any permit to incorporate applicable standards and regulations promulgated under the CAA after issuance of such permit. Section 2109 of Article XXI authorizes the Department to issue enforcement orders to aid in the enforcement of the provisions of the Act or its implementing regulations. Such orders may include orders to cease unlawful activities and to take corrective action. The Department also has the authority for modifying, suspending, terminating, or revoking an installation permit or an operating permit. In accordance with Article XXI §2103.10.b, no MSW landfill is allowed to operate in Allegheny County without an operating permit; the revoking of a permit is the same as shutting down a source.

The County may obtain information necessary to determine compliance with the federal plan. Section 2108.01.f provides that the source must provide whatever information the Department requires for the assessment of an actual or potential contribution of the source to air quality. The County makes these and all other information available for inspection by the public, excepting that which would disclose methods or processes protected as trade secrets, under the laws of the United States. Section 2101.07.d of Article XXI explains this availability of data, and this includes all emission records.

In accordance with section 2109.01 of Article XXI, a source shall allow the Department access to such facilities to inspect, at reasonable times, facilities and

equipment including monitoring and air pollution control equipment. The Department also has authority under section 2108.02.d to conduct emissions testing on any source or air pollution control equipment.

In accordance with Article XXI sections 2108.03.c & d, and 2108.04, the Department has authority to require owners or operators to install and operate emissions monitoring equipment and to submit periodic reports of the data to the Department.

IV. Inventory of Sources and Emissions

There are only three MSW Landfill facilities in Allegheny County that are subject to the Federal Plan. They are as follows:

Landfill Name As identified in the ACHD permit	ACHD Permit #	Pa DEP Solid Waste Permit no.	Location (Lat/Long)	Estimated Emissions (TPY) of NMOC
Allied Waste Systems of PA, LLC: Allied Imperial Landfill (Imperial, PA) (Formerly Browning-Ferris International)	0068-OP19a June 6, 2019	100620	40° 26' 54" 80° 16' 31"	61.87
Chambers Development Company, Inc.: Monroeville Landfill	0215-OP19a February 8, 2019	100594	40° 24' 10" 79° 47' 14"	42.37
Kelly Run Sanitation, Inc.: Kelly Run Landfill (Forward Twp.)	0190-OP18a August 16, 2018	100663	40° 15' 02" 79° 52' 49"	16.64

V. Compliance Schedules – 40 CFR §62.16712

Planning, awarding of contracts, installing, and starting up MSW landfill air emission collection and control equipment that is capable of meeting the emission standards of 40 CFR 62.16714 must be completed within 30 months after the date an NMOC emission rate report shows NMOC emissions equal or exceed 34 megagrams per year; or within 30 months after the date of the most recent NMOC emission rate report that shows NMOC emissions equal or exceed 34 megagrams per year, if Tier 4 surface emissions monitoring (SEM) shows a surface emission concentration of 500 parts per million methane or greater. Legacy controlled landfills that have not yet reached increment 5 (full compliance) must demonstrate compliance with any remaining increments of progress on this schedule.

Owners or operators of each designated MSW landfill listed in Section IV, “Inventory of Sources and Emissions,” of this letter must comply with the emission limitations according to the compliance schedule prescribed in 40 CFR 62.16712. ACHD will follow the dates and requirements in the Federal Plan. The owners or operators of designated MSW landfills subject to 40 CFR Part 62, Subpart OOO shall comply with all the Subpart OOO requirements regardless of whether a designed facility is identified in the source inventory.

VI. Certification of Hearing

A public hearing was conducted on July 11, 2022. The hearing was held in accordance with the requirements of 40 CFR Part §60.23. A copy of the public notice is attached. A listing of commenters and their organizations, and a summary of their statements, is also attached.

VII. Memorandum of Agreement

The Allegheny County Health Department commits to enter into a Memorandum of Agreement with the Regional Administrator who sets forth the terms, conditions, and effective date of delegation. This serves as the mechanism for the transfer of authority, as described in 86 FR 27766.

B. Documentation of Public Hearing and Certification

1. Public Hearing Notice
2. Proof of Publication of Hearing
3. Notices to US EPA and PA DEP
4. Certification of Hearing
5. Summary of Comments and Responses

**NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD
FOR PROPOSED REQUEST FOR DELEGATION OF AUTHORITY TO
IMPLEMENT THE FEDERAL PLAN FOR MUNICIPAL SOLID WASTE
LANDFILLS
AND RELATED AMENDMENTS TO
ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS
ARTICLE XXI, AIR POLLUTION CONTROL**

The Allegheny County Board of Health (ACHD) will hold a public hearing on **Monday July 11, 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 Request for Delegation of Authority to Implement the Federal Plan for Municipal Solid Waste Landfills and the related revision to Section 2105.73, “Municipal Solid Waste Landfills,” of ACHD Article XXI, and corresponding County Ordinance 16782.

The proposed request for delegation and related regulation revision are available on the ACHD Air Quality web site at www.alleghenycounty.us/regs-sips. Written copies may be obtained by calling 412-578-8115.

- Persons wishing to present testimony at the hearing must register by using ACHD’s [Public Hearing Participation Form](#). Persons who do not have access to the internet may register by calling 412-578-8115.
- 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 Friday, June 10, 2022, and concluding at 4:00 PM on Monday, July 11, 2022, by mail to ACHD Air Program, 301 39th Street, Bldg. 7, Pittsburgh, PA 15201-1811, or by email to aqcomments@alleghenycounty.us.

Please call 412-578-8115, if you have any questions or if you have any difficulty registering for the hearing.

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 T. Kopyar, 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:

09 of June, 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:
June 09, 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 ----- \$78.75

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
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legaladvertising@post-gazette.com
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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 REQUEST
FOR DELEGATION OF
AUTHORITY TO IMPLEMENT
THE FEDERAL PLAN FOR
MUNICIPAL SOLID WASTE
LANDFILLS AND RELATED
AMENDMENTS TO
ALLEGHENY COUNTY HEALTH
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ARTICLE XXI, AIR POLLUTION
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June 10, 2022

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:

Attached is a Notice of Public Hearing for a proposed Request for Delegation of Authority to Implement the Federal Plan for Municipal Solid Waste Landfills and a related proposed revision to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding Section 2105.73, "Municipal Solid Waste Landfills."

The proposed Article XXI revision is not a change to Allegheny County's portion of the Pennsylvania State Implementation Plan. The Request for Delegation and the proposed Article XXI revision will be tracked under ACHD's Revision Tracking Number 99.

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

The public comment period begins June 10, 2022 and concludes July 11, 2022 at 4:00 pm. The public hearing will be held July 11, 2022 at 10:00 AM. Your comments are welcome.

Sincerely,

Dean DeLuca, electronically signed

Dean DeLuca, Manager
Air Quality Program

cc: Michael Gordon (U.S. EPA)
Megan Goold (U.S. EPA)
David Talley (U.S. EPA)

Page 1 of 2

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

Email Attachments

- Public Hearing Notice



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- Proposed Request for Delegation of Authority
To Implement the Federal Plan for MSW Landfills



Request for
Delegation of Authc

- Proposed Article XXI Revision
Section 2105.73, MSW Landfills (nonSIP99)



nonSIP99. Section
2105.73 Muni Solid'

COUNTY OF



ALLEGHENY

June 10, 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 Request for Delegation of Authority to Implement the Federal Plan for Municipal Solid Waste Landfills and a related proposed revision to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding Section 2105.73, "Municipal Solid Waste Landfills."

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Sincerely,

Dean DeLuca, electronically signed

Dean DeLuca, Manager
Air Quality Program

cc: Kirit Dalal (PA DEP)
Steve Hepler (PA DEP)

Page 1 of 2

ALLEGHENY COUNTY HEALTH DEPARTMENT • AIR QUALITY PROGRAM
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ice_Municipal Solid'

- Proposed Request for Delegation of Authority
To Implement the Federal Plan for MSW Landfills



Request for
Delegation of Authc

- Proposed Article XXI Revision
Section 2105.73, MSW Landfills (nonSIP99)



nonSIP99. Section
2105.73 Muni Solid'

Revision Tracking 99

Request of Delegation of Authority to Implement the Federal Plan for MSW Landfills

Certification of Hearing

Shaun Vozar 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 July 11, 2022 on the proposed Request for Delegation of Authority to Implement the Federal Plan for Municipal Solid Waste Landfills and the related revision to Section 2105.73, "Municipal Solid Waste Landfills," of ACHD Article XXI;

that the opportunity for written comments was given in accordance with the requirements of 40 CFR §60.23; that notice of such hearing was given by publication in a newspaper of general circulation on June 9, 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.

<u>Shaun Vozar</u>	<u>9/12/22</u>
Shaun Vozar,	Date
Air Pollution Control Engineer	
Air Quality Program	
Allegheny County Health Department	

SUMMARY OF COMMENTS AND RESPONSES

for

Proposed

Request for Delegation of Authority to Implement the Federal Plan for MSW Landfills

and related

Revision to

Section 2105.73, “Municipal Solid Waste Landfills,” of ACHD Article XXI
(Revision Tracking 99)

Public Comment Period: June 10 to July 11, 2022

Public Hearing: July 11, 2022

No comments were received during the public comment period.