



# Allegheny County Health Department

## Air Quality Program

301 39<sup>th</sup> Street, Clack Health Center Building 7, Pittsburgh, PA 15201-1811

Phone: 412.578.8103 • Fax: 412.578.8144 • 24-Hr. 412.578.ACHD (2243)

Rich Fitzgerald - County Executive  
Karen A. Hacker, M.D., M.P.H. - Director

April 20, 2015

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

Dear Ms. Epps:

Enclosed are a paper copy and an exact duplicate of this paper copy on a computer disk in searchable pdf file format of a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards. Changes made to Article XXI, Air Pollution Control Rules and Regulations, and County Ordinance 16782, involve Sections 2105.50, "Open Burning," and 2101.20, "Definitions." This SIP revision is being tracked as our internal Revision 79.

This SIP Revision was the subject of a public comment period from May 30, 2014 until July 7, 2014, with a public hearing held on July 1, 2014. It was approved by the Board of Health on September 3, 2014, enacted by County Council on November 5, 2014, approved and signed by the Allegheny County Chief Executive on November 13, 2014, and became effective January 1, 2015.

ACHD followed all of the applicable procedural requirements of the Commonwealth's laws and constitution in conducting and completing the adoption/issuance of the SIP revision. ACHD also publishes the proposed SIP Revision on its website <http://www.achd.net/air/regulations.html> in accordance with PA State Act 27 of 2012.

We request that the Pennsylvania Department of Environmental Protection approve this revision and forward the paper copy and disk to the U.S. EPA Region III with a recommendation for approval. If you have any questions, please call me at the number below or email me at [jgraham@achd.net](mailto:jgraham@achd.net).

Sincerely,

A handwritten signature in dark ink, appearing to read "Jayme Graham".

Jayme Graham, Manager  
Air Quality Program

cc: Kirit Dalal  
Stephen Hepler  
Enclosures

**Revision to ALLEGHENY COUNTY'S portion of the  
PENNSYLVANIA STATE IMPLEMENTATION PLAN**

**For the**

**Attainment and Maintenance of the National  
Ambient Air Quality Standards**

**Revision Tracking No. 79**

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

**§2105.50 Open Burning**

**And related §2101.20 Definitions**

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1.

## Open Burning Regulation Revision

Deletions are shown with strikethroughs.

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

Changes made since public comment are shown as follows:

Deletions are shown with double strikethroughs, and additions are shown in larger font, bolded, underlined and with *italics*.

**§2105.50 OPEN BURNING** *[Subsection amended May 8, 2007, effective, August 17, 2007, and amended July 16, 2009, effective July 26, 2009. Amended November 13, 2014, effective January 1, 2015]*

a. **General.**

1. No person shall conduct, or allow to be conducted, the open burning of any material, except where the Department has issued an open burning permit to such person in accordance with this Section or where the open burning is conducted solely for the purpose of ~~non-commercial~~ preparation of food for human consumption, recreation, light, **or** ornament, ~~or provision of warmth for outside workers,~~ and in a manner which contributes a negligible amount of air contaminants, **and which is in accordance with Subparagraphs A through C D, below.**

**A. No material other than clean wood, *propane, or natural gas* may be burned except as provided for in this subparagraph.**

- i. **Charcoal, ~~propane, or natural gas~~ may be used in an outdoor fireplace or grill for the purpose of cooking.**
- ii. **Commercially available fire logs, paraffin logs, or wood pellets may be used in outdoor fireplaces.**
- iii. **Paper or commercial smokeless fire starters may be used with clean wood to start an allowed fire.**

**B. Any volume of clean wood being burned shall be no larger than 3' wide x 3' long x 2' high and shall be at least 15 feet from the nearest neighbor's dwelling or inhabited area, any property line, roadway, sidewalk, or public access way.**

~~C. Open burning for the provision of warmth for outside workers may be conducted only when the outside ambient temperature is forty degrees Fahrenheit (40°F) or lower. There may be only one contained open burn per work crew and the burn container must be no larger than a 55 gallon drum, must completely contain the fire and materials being burned, and must meet the setback requirements of Subparagraph B, above. Only material meeting Subparagraph A, above, may be burned.~~

~~C.D.~~ Open burning using chimineas, firepits, or outdoor fireplaces may only be conducted using materials meeting Subparagraph A, above.

2. Any open burning shall be tended by a responsible person at all times.

3. Wood burning activities shall not be conducted on Air Quality Action Days, with the exception of conducting such burning for the commercial preparation of food or the provision of warmth for outside workers.

4. The Department may prohibit, or reduce, any open burning activity which it determines to be a nuisance. This determination will be based on, but not limited to, the following criteria:

A. The severity of the amount of air pollutants, or malodorous material;

B. The duration or frequency of open burning;

C. The topography of the surroundings; and/or

D. The meteorological conditions.

53. This Section shall not allow or permit any open burning which would not otherwise be allowed or permitted under any applicable municipal or local ordinance; or County or local fire code.

- b. **Discovery of Fire.** Immediately upon the discovery of any open burning **that is not being conducted in accordance with this Section**, the person responsible for the property on which such burning occurs shall immediately extinguish, or cause the extinguishment of, such burning.
- c. **Presumption.** Proof that the defendant in any enforcement action owns or controls the property on which open burning occurs shall be prima facie evidence that such defendant has conducted, or allowed to be conducted, such open burning.

**df. Permits.**

- 1. The Department may issue a permit for open burning during a period specified by the Department, but only where the open burning is solely for:
  - A. The abatement of a fire or public health hazard ~~or the annual disposal of Christmas trees~~ when the burning is conducted under the supervision of a public officer;
  - B. The instruction of personnel in fire fighting, **except that instruction using only propane does not require a permit;**
  - C. The fostering of agriculture;
  - D. The conducting of a ceremony; or,
  - E. ~~Any other purpose contributing a negligible amount of air contaminants; or~~
  - EF.** Clearing and grubbing wastes subject to, at a minimum, the following requirements:
    - i. Air curtain incineration units shall be used at all times when burning clearing and grubbing wastes.
    - ii. The use of air curtain incineration units shall not be permitted unless approved by the Department in writing with respect to equipment arrangement, design, and existing environmental conditions prior to commencement of burning.

- iii. Approval for use of an air curtain incineration unit at one site may be granted for a specified period not to exceed three months, but may be extended for additional limited periods upon further written approval by the Department.
- iv. The application for said permit must be accompanied by a non-refundable permit application fee, by check or money order payable to the "Allegheny County Air Pollution Control Fund," to cover the costs associated with processing, reviewing, and acting upon the application. The amount of the fee shall be set by the Board of Health.
- v. If operated at commercial, industrial, or institutional facilities, the air curtain incinerator may also be subject to the NSPS requirements of 40 CFR 60 Subpart CCCC or EEEE.

**FG.** Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.

- 2. The permit application shall be submitted on forms prepared by the Department at least 15 days prior to the proposed burning date(s) and shall specify the types of materials to be burned, and only those types of materials which are approved by the Department in the permit shall be burned.
- 3. The Department may issue a permit subject to any additional terms and conditions as are appropriate to further the purposes of this Article, and may deny a permit application or rescind any such permit when it determines that an actual or potential air pollution problem exists.
- 4. An approved permit shall be in the possession of the applicant or an authorized representative at the site of the permitted open burning at all times during said open burning and shall be available for inspection upon request by any County personnel, law enforcement officer, or fire protection officer.
- 5. Any open burning permit issued by the Department shall immediately be suspended upon the declaration of an alert or localized incident pursuant to Part F of this Article and shall remain suspended for the duration of the alert or localized incident. If the open burning permit expires during such period of suspension, an extension of such permit shall be obtained from the Department prior to burning any materials.

**6. Open burning activities requiring a permit shall not be conducted on Air Quality Action Days.**

- ed. Coal Refuse Piles.** In the case of a fire at any coal refuse pile or dump, the person responsible shall:
1. Report such fire immediately to the Department upon discovery;
  2. Immediately extinguish such fire, or demonstrate to the Department's satisfaction that all necessary steps are being taken to extinguish such fires as expeditiously as possible; and
  3. Report the status of such fire to the Department at such intervals as required by the Department.
- fe. Enforcement.** Notwithstanding any other provision of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the burning occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- g. Violations.** The open burning of any material (except as provided in Paragraph a.1 above) without a permit under this Section or in violation of any condition contained in such permit, or the failure by the person responsible to immediately report and take all reasonable steps to extinguish a coal refuse pile fire, shall be a violation of this Article giving rise to the remedies provided in §2109.02 of this Article.

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**REVISED DEFINITION**

**§2101.20 DEFINITIONS** *{ Amended Month, Day, 2014, effective Month, Day, 2014 }*

**"Open burning"** means any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. **The term includes any fire or combustion which occurs in a chiminea, fire pit, outdoor fireplace or grill.**



## **2.**

### **Technical Support Document**

The ACHD Air Quality Program is proposing to update its regulation restricting “open burning” to clarify and codify various new regulatory needs and existing policies realized and developed by the Program from its experience with this regulation.

The proposed revisions to Article XXI, §2105.50, include specifying details related to:

- Materials that may be burned;
- Size of “burn piles;”
- Setback requirements;
- Provision for the use of chimineas, firepits and outdoor fireplaces; and
- Restrictions on open burning activities on Air Quality Action Days.

The incorporation of these regulations updates covering specific situations and encountered in Allegheny County, will allow the ACHD to address the concern of emissions from open burning, which should benefit of the health of the citizens of this County.

### **3.**

#### **Documentation of Public Hearing and Certifications**

Notice of Public Hearing

Transmittals of hearing notice to EPA & PA DEP

News Release

Proof of publication of notice of hearing

Certification of hearing

Summary of Comments and responses

Certification of approval and adoption

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

The Allegheny County Board of Health will hold a public hearing on **Tuesday, July 1, 2014, 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 proposed modifications to Allegheny County Health Department Article XXI, §2105.50, 'Open Burning,' the related definitions at §2101.20, 'Definitions,' and corresponding sections of County Ordinance 16782.

**The proposed changes to §2101.20, and §2105.50 will be incorporated as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan.**

Copies of the proposed regulatory amendments may be examined beginning Friday May 23, 2014, at the Allegheny County Law Library, Room 921 City-County Building, Grant Street, Pittsburgh, PA 15219, from 8:30 AM to 5:00 PM; at the Allegheny County Health Department Document Control Room, Building 7, Clack Health Center, from 8:30 AM until 3:30 PM Monday thru Friday; on the Allegheny County Health Department web site: [www.achd.net](http://www.achd.net); or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8120 no less than 24 hours in advance of the public hearing. Speakers will be limited to five minutes and should bring a written copy of their comments.

The Board will accept written testimony beginning **Friday May 30, 2014**, and concluding **Monday, July 7, 2014**, by mail to:

Allegheny County Health Department  
301 39<sup>th</sup> Street  
Pittsburgh, PA 15201-1891  
By email to [aqcomments@achd.net](mailto:aqcomments@achd.net)  
By Fax to 412-578-8144

COUNTY OF



ALLEGHENY

May 28, 2014

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

Dear Ms. Epps:

Enclosed is a Notice of Public Hearing regarding proposed revisions to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding §2105.50, "Open Burning," and related §2101.20, "Definitions."

These revisions will also be submitted as changes to Allegheny County's portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 79.

The public comment period begins May 30, 2014 and concludes July 7, 2014. The public hearing will be held July 1, 2014. Your comments are welcome.

Sincerely,

*Tom Lutton for J.G.*

Jayne Graham, Manager  
Air Quality Program

cc: Kirit Dalal  
Steve Hepler

Enclosures

- Public Hearing Notice
- Proposed Article XXI/SIP Revision 79

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

May 28, 2014

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

Dear Ms. Esher:

Enclosed is a Notice of Public Hearing for proposed revisions to the Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control and County Ordinance Number 16782, regarding §2105.50, "Open Burning," and related §2101.20, "Definitions."

These revisions will also be submitted as changes to Allegheny County's portion of the Pennsylvania State Implementation Plan under our Revision Tracking Number 79.

The public comment period begins May 30, 2014 and concludes July 7, 2014. The public hearing will be held July 1, 2014. Your comments are welcome.

Sincerely,

*Tom Lattner for J.G.*

Jayne Graham, Manager  
Air Quality Program

cc: File

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



**FOR IMMEDIATE RELEASE**  
June 2, 2014

**CONTACT:** Guillermo Cole  
Public Information Officer  
412-578-8004  
[gcole@achd.net](mailto:gcole@achd.net)

**Comments Sought on Changes to Air Quality Regulations Related to Open Burning**

**PITTSBURGH** – The Allegheny County Board of Health is accepting public comments until July 7 on proposed changes to County air quality regulations on open burning and will hold a hearing on the revisions on Tuesday, July 1, at 10:00 a.m., at the Clack Health Center, Building 7, 301 Thirty-Ninth Street, Lawrenceville.

The proposed changes clarify and codify existing policies regarding open burning and would allow the Health Department to more effectively address concerns about emissions and protect public health.

The revisions specify details related to various aspects of open burning: materials that may be burned; the size of burn piles; setback requirements; burning to provide warmth for outdoor workers; use of chimineas, firepits and outdoor fireplaces; and burning restrictions on Air Quality Action Days.

Testimony at the public hearing must be pre-scheduled by calling **412-578-8120**, no less than 24 hours in advance. Speakers are limited to five minutes and asked to submit a written copy of their testimony.

Those unable to present testimony at the hearing have until July 7 to submit comments via email, fax or mail to: [aqcomments@achd.net](mailto:aqcomments@achd.net); **412-578-8144**; or Allegheny County Health Department, Air Quality Program, 301 Thirty-Ninth Street, Pittsburgh, PA 15201-1891.

The proposed amendments are posted on the Health Department's web site, [www.achd.net](http://www.achd.net), and also available for public review Monday through Friday, 8:30 a.m. to 3:30 p.m., at the Allegheny County Health Department Document Control Room, Clack Health Center, Building 7; and 8:30 a.m. to 5:00 p.m., at the Allegheny County Law Library, Room 921, City-County Building, Grant Street, Downtown Pittsburgh. A printed copy of the revisions can be requested and obtained via mail by calling **412-578-8120**.

The Board of Health will consider all public comments before finalizing and voting on the revisions. Once approved, the changes will be submitted as a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan.

###

KAREN A. HACKER, MD, MPH, DIRECTOR  
**ALLEGHENY COUNTY HEALTH DEPARTMENT – PUBLIC INFORMATION OFFICE**  
955 RIVERMONT DRIVE • PITTSBURGH, PA 15207  
PHONE (412) 578-8004 • FAX (412) 578-8325 • [WWW.ACHD.NET](http://WWW.ACHD.NET)



No. \_\_\_\_\_ Term, \_\_\_\_\_

### Proof of Publication of Notice in Pittsburgh Post-Gazette

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

Commonwealth of Pennsylvania, County of Allegheny, ss K. Flaherty, 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:

16 of May, 2014

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.

[Signature]  
PG Publishing Company  
Sworn to and subscribed before me this day of  
May 16, 2014

[Signature]  
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Linda M. Gaertner, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Jan. 31, 2015  
MEMBER OF PENNSYLVANIA ASSOCIATION OF NOTARIES

STATEMENT OF ADVERTISING COSTS  
ALLEGY HEALTH-LEGAL-FORBES AVE  
JANET NORKUS  
3333 FORBES AVE  
PITTSBURGH PA 15213

To PG Publishing Company

Total ..... \$87.15

### 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  
34 Boulevard of the Allies  
PITTSBURGH, PA 15222  
Phone 412-263-1338

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 AMMUNITION  
TO ALLEGY COUNTY  
HEALTH DEPARTMENT  
JANET NORKUS  
3333 FORBES AVE  
PITTSBURGH PA 15213

The Allegheny County  
Health Department will hold  
a public hearing on  
Tuesday, May 13, 2014 at  
10:00 AM in the First  
Floor Conference Room  
at 3333 Forbes Ave. The  
Public Hearing will be held  
at 3333 Forbes Ave., 15th  
Floor, Pittsburgh, PA 15213.  
The purpose of the hearing  
is to discuss the proposed  
amendment to the Allegheny  
County Health Department  
Ordinance No. 100, which  
relates to the regulation of  
the use of firearms in the  
County.

The proposed change  
is to amend the ordinance  
to allow the use of firearms  
in the County.

The public hearing will be  
held on Tuesday, May 13, 2014  
at 10:00 AM in the First  
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the use of firearms in the  
County.

Revision 79

SIP Submittal for Open Burning Regulation

Certification of Hearing

Thomas Lattner deposes and says that he is an Air Pollution Control Engineer in the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on July 1, 2014 on the proposed revisions to Section 2105.50, "Open Burning," and a related change to Section 2101.10, "Definitions," of Article XXI, "Rules and Regulations of the Allegheny County Health Department for Air Pollution Control," and amendment to County Ordinance No. 16782;

that this change 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 May 16, 2014; 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.



7-1-2014

Thomas Lattner,

Date

Air Pollution Control Engineer

Air Quality Program

Allegheny County Health Department



## SUMMARY OF COMMENTS AND RESPONSES

for

### Proposed SIP Revision 79

#### Article XXI, Section 2105.50, Open Burning

Public Comment Period: May 30 to July 7, 2014

Public Hearing: July 1, 2014

#### Comments that resulted in changes to the proposed regulation revision

##### Concern over regulatory provisions that would conflict with the Pennsylvania Air Pollution Control Act, the Federal Clean Air Act and Allegheny County's Air Quality Program Approval

- 1. Comment:** The DEP is concerned regarding the proposed retention of the exception in Section 2105.50a.1 (relating to *General*), for open burning that is conducted solely for the purpose of the provision of warmth for outside workers, the reiteration of that exemption in newly proposed Section 2105.50.a.1.C, which would place limitations on that exception, and the inclusion of the exception in newly proposed Section 2105.50.a.3 regarding Air Quality Action Days. The DEP requests that ACHD remove this exception from the regulations entirely. The DEP cannot approve this proposed exception as would be required under Section 12 (relating to *Powers Reserved to Political Subdivisions*) of the Air Pollution Control Act (APCA), 35 P.S. Section 4012, and Section 1a (relating to *General conditions*) of the Commonwealth of Pennsylvania, Department of Environmental Protection, Bureau of Air Quality Control, Allegheny County Air Quality Program Approval with Conditions, ("Program Approval"), because the proposed exception would be contrary to the limitation established in 25 *Pa. Code* Section 129.14 (relating to *Open burning operations*), that "No person may permit the open burning of material in an air basin". The proposed exception would not fall within any of the exceptions provided under 25 *Pa. Code* Section 129.14(c) (relating to *Exceptions*). ACHD is required by Section 1.b, of the Program Approval to implement regulatory requirements promulgated by the DEP applicable to air contamination sources located in Allegheny County. ACHD is required by Section VIII of the Program Approval (relating to *Enforcement*) to take reasonable and necessary action to achieve compliance, including notifying the operator of the violation and taking enforcement action, when non-compliance with any regulation contained in the Pennsylvania State Implementation Plan (SIP) is documented, and 25 *Pa. Code* Section 129.14 is incorporated into Pennsylvania's SIP, promulgated under 40 CFR Section 52.2020 (relating to *Identification of plan*). Section 12.a of the APCA requires that any ordinance with respect to air pollution that is enacted by a county be at least as stringent as the provisions of the APCA, the Clean Air Act (CAA) and the regulations adopted thereunder. Section 12.b of the APCA requires that any approved county air pollution control program's regulations

meet the requirements of the APCA, the CAA, the rules and regulations promulgated thereunder, and be approved by the DEP.

The DEP concurs with Allegheny County's finding that "burn barrels" used to provide warmth to workers generally contribute minimal amounts of air contaminants when fueled only with clean wood, and DEP is not opposed to the judicious exercise of enforcement discretion by Allegheny County Health Department on a case-by-case basis, with regard to insignificant sources of air pollution.

**Commenter:** Joyce Epps, Director, Bureau of Air Quality, PA Department of Environmental Protection.

**Response:** The Health Department has deleted all references to allowances for provision of warmth for workers. These are found at Paragraph 2105.50.a.1, Subparagraph 2105.50.a.1.C, and Paragraph 2105.50.a.3.

In addition, the bullet in the technical support section of the SIP submittal has been deleted.

2. **Comment:** Subparagraph a.1.A and its subparagraph "i" should be revised with regard to the use of propane and natural gas so that the regulation does not preclude the use of either clean burning fuel. Therefore, Subparagraph a.1.A should be amended to add propane and natural gas as materials that may be burned, while at the same time removing them from the language of Subparagraph a.1.A.i. See below:

**A. No material other than clean wood, *propane, or natural gas* may be burned except as provided for in this subparagraph.**

- i. **~~Charcoal, propane, or natural gas~~ may be used in an outdoor fireplace or grill for the purpose of cooking.**

**Commenter:** This comment was made by the members of the Regulation Subcommittee at their August 7, 2014 meeting.

**Response:** The Health Department concurs with this comment and is making the change to avoid unnecessarily prohibiting these two essentially clean burning fuels.

3. **Comment:** Subparagraph a.4.C should be revised to add “and” prior to “or” in order to make it clear that more than one criterion may be applied to the determination of nuisance. See below:

4. **The Department may prohibit, or reduce, any open burning activity which it determines to be a nuisance. This determination will be based on, but not limited to, the following criteria:**
- A. **The severity of the amount of air pollutants, or malodorous material;**
  - B. **The duration or frequency of open burning;**
  - C. **The topography of the surroundings; and/or**
  - D. **The meteorological conditions.**

**Commenter:** This comment was made by the members of the Advisory Committee at their August 18, 2014 meeting.

**Response:** The Health Department concurs with this comment and is making the change.

#### **Comments that did not result in changes to the proposed regulation revision**

##### **Proposal for “No Burn” Open Burning Regulation**

4. **Comment:** What Clean Air Council proposed to the Regulation Subcommittee of the Air Quality Advisory Committee early in the regulation formulation process, was a “no burn” open burning regulation for Allegheny County to eliminate health impacts of open burning and submitted model regulation to that effect. The Council continues to support that model regulation submitted to the Board...This straightforward no open burning regulation maximizes health protection for all and allows for easy enforcement and education by ACHD.

**Commenter:** Thurman Brendlinger, Clean Air Council. Similar comments were made by the American Lung Association of PA, Nancy Robinson, Alfred Burgo, MD, Linda Woshner, Bellevue Councilperson, Debbi Overly, Julie Burgo – Clean Air Revival, and Carol Wivell.

**Response:** The consensus of the Subcommittee and the Health Department was, and is, that a regulation with a total open burn prohibition is not feasible as there are 130 municipalities in Allegheny County and a regulation banning open burning is not reasonable for all of these varied municipalities. Additional staff would also be required to enforce such a ban and to prepare permits for an anticipated correspondingly large number of permit requests. Finally, Allegheny County has a significant amount of rural area with low population density where people are able to conduct open burning responsibly while not adversely impacting neighbors.

**Health risk factors of wood smoke parallel secondhand smoke.**

- 5. Comment:** The Health risk factors of wood smoke parallel the risk factors of secondhand smoke from tobacco use. The lessons learned with tobacco, can be applied here to fully protect county residents from the risks of wood smoke and help change the social norms on the use of wood burning. Though Allegheny County had passed strong, smoke-free legislation, a weaker Pennsylvania smoking law was subsequently enacted, superseding the County regulation, making necessary costly education efforts and more costly enforcement. A “no open burning” regulation would actually simplify education and enforcement for the Health Department. It would free inspectors from nuisance reports to focus on other threats to human health.

**Commenter:** Thurman Brendlinger, Clean Air Council. Similar comments were made by Alfred Burgo, MD, Julie Burgo, and Carol Wivell.

**Response:** Please see response to Comment 4. It is important to note that the open burning regulation is far more restrictive than the efforts to restrict the health impacts of smoking. Smoking is only restricted in public spaces, whereas the burning regulation applies to the burn activities of all individuals and property. In addition, the proposed restrictions will make it more difficult to legally burn in higher density areas.

**General Support for the regulation revision**

- 6. Comment:** PennFuture commends ACHD on its continued attention to the air quality in Allegheny County. The proposed limits on open burning, and particularly requiring that only clean, dry wood be used for recreational fires, will benefit the citizens of Allegheny County.

**Commenter:** Valessa Souter-Kline, Western Pennsylvania Outreach Coordinator, Penn Future. A similar comment was made by Kevin Stewart, Director of Environmental Health, American Lung Association in Pennsylvania (ALAPA).

**Response:** The Health Department welcomes support for this regulation.

**15 foot setback is not sufficient**

- 7. Comment:** The proposed setback of 15 feet is not protective enough of public health. The International Code Council (ICC) is a non-profit organization “dedicated to developing model codes and standards used in the design, build and compliance process to construct safe, sustainable, affordable and resilient structures.” Their 2012 International Fire Code, in sections 3071.1 through 3071.5, provides model regulations concerning open burning. ...For the size of the burn pile that ACHD is approving, the ICC suggests a setback of 25’ (for burning not conducted in an approved container). We recommend the setback for open burning not conducted in an approved container be changed to 25 feet.

**Commenter:** Jamin Bogi, Policy & Outreach Coordinator, Group Against Smog and Pollution (GASP). Similar comments were made by Nancy Robinson, Alfred Burgo, MD, Linda Woshner, Julie Burgo and Carol Wivell.

**Response:** The International Fire Code is designed for fire safety and not for air quality. The new setback requirements are being designed to reduce the amount of properties which can be allowed to burn which will lead to an improvement in air quality. The nuisance portion of the regulation can also be used as it is possible for smoke to still create an odor at distances of greater than 15' depending on conditions. If we become aware of an open burning location which meets our setback requirement but not the fire code setbacks, we can inform the local fire department of our findings.

**Support for prohibition of wood burning activities on Air Quality Action Days**

- 8. Comment:** We are encouraged to see some of the proposed changes incorporate ICC recommendations. For example, ACHD's proposal states "Wood burning activities shall not be conducted on Air Quality Action Days," which correlates with the ICC's recommendation prohibiting open burning "when atmospheric conditions or local circumstances make such fires hazardous."

**Commenter:** Jamin Bogi, Policy & Outreach Coordinator, Group Against Smog and Pollution (GASP).

**Response:** The Health Department welcomes support for this portion of the regulation revision.

**Wood smoke – ill health effects**

- 9. Comment:** What we know about the dangers of tobacco smoke well applies to wood smoke. Wood smoke is chemically active in the body 40 times longer than tobacco smoke, it is 12 times more carcinogenic than tobacco smoke, and lowers the body's defense mechanisms for fighting off infection. Just one hour of exposure can lower immune defense 25 to 40 percent. You can see [burningissues.org](http://burningissues.org), and you can see this right on their page, their fact sheet.

**Commenter:** Julie Burgo.

**Response:** This regulation change is designed to reduce the amount of wood smoke and emissions within the county to reduce any ill health effects. Yes, both tobacco smoke and wood smoke contribute to air pollution and have associated health risks. Therefore, we are proposing restrictions on open burning (like there are restrictions on smoking tobacco). Neither is banned at this time.

- 10. Comment:** ...we are also aware that a substantial body of research has been built up around the issue of open burning of biomass, especially wood, and its potential for adverse health consequences. For example, research has linked wood smoke to an 8% increase in bronchiolitis (the top reason for hospitalization of infants under one

year of age), and to a 15% increase in the rate of hospitalization for chronic obstructive pulmonary disease. Household combustion of biomass fuel (primarily wood) has also been associated with lung cancer.

**Commenter:** Kevin Stewart, Director of Environmental Health, American Lung Association in Pennsylvania.

**Response:** Although the Health Department does not minimize the significant health effects that can be associated with wood smoke, it is important that the distinction be made between the burning of biomass for primary heating and cooking and that conducted in the course of “open burning” which is the subject of this regulation revision. The commenter does not provide references for the statements made, however a search of the internet found that for the highest relevancy results, ([http://www.cleanair.org/sites/default/files/Mike%20Brauer Wood%20Smoke%20and%20Health.pdf](http://www.cleanair.org/sites/default/files/Mike%20Brauer%20Wood%20Smoke%20and%20Health.pdf) and <http://www.ncbi.nlm.nih.gov/pubmed/23392442> ) the studies involved wood smoke produced from primary heating and cooking functions. If the research cited by the commenter is indeed related to these two functions, the Health Department notes that such functions would be expected to produce more emissions than the “open burning” associated with this regulation change.

## **Combustion of Wood for production of heat**

**11. Comment:** ...ALAPA wishes to underscore the position of the national American Lung Association in its recognition that pollution from the combustion of wood and other biomass sources poses a significant threat to human health, and in its support of measures to transition away from using these sources for heat production, let alone as a means of waste control.

**Commenter:** Kevin Stewart, Director of Environmental Health, American Lung Association in Pennsylvania.

**Response:** The Health Department notes that the ALAPA comment appears to address the issue of burning wood and other biomass for purposes of heat production for domiciles. Whereas, Article XXI, Section 2105.50, Open Burning, addresses open burning conducted for various purposes, none of which includes primary production of heat for domiciles. This is an important distinction, and it is reflected in the definition of "open burning" found in Article XXI Section 2101.20.

**12. Comment:** Open burning is known to be among the least efficient methods of producing useful heat, and among the most effective at producing air pollutants from the materials combusted. We are sure that an analysis of open burning in Allegheny County would confirm that compared with most other sources, the ratio of emissions to heat produced would be among the highest. We believe the same could be said for emission levels versus economic value (benefit less health costs and costs due to lost work and productivity).

Indeed, consistent with this inefficiency, according to the emissions inventory data available through the U.S. EPA's website

<http://www.epa.gov/ttnchie1/net/2011inventory.html>:

- 1) In 2011, primary fine particle emissions solely from Residential Wood Combustion in Allegheny County amounted to 1,180 tons, or over 19% of the County's total fine PM emissions from all 48 sectors with reported data. Fine PM emissions from residential wood burning in Allegheny County were the highest of all 48 sectors, exceeding the next highest category's 715 tons (for Industrial Processes not elsewhere classified) by 65%.
- 2) Moreover, fine PM emissions from residential wood burning
  - a. equaled nearly three-quarters of the total amount of such emissions from the 1,611 tons of all ten industrial source categories in the County taken together,
  - b. exceeded the 1,011 tons produced by the County's ten mobile sectors by a sixth, and
  - c. constituted nearly 44% of all of the 2,706 tons of fine PM emissions produced across the County's 18 non-mobile fuel combustion sectors.

- 3) In fact, fine particle pollution **only** from Allegheny County's residential wood combustion sector exceeded the **total** fine particle pollution emissions in each of 30 of the Commonwealth's 67 counties.

Furthermore, when issues are considered such as location of wood smoke sources in Allegheny County in proximity to populations at risk in nearby buildings (homes, schools, workplaces, and healthcare and nursing facilities), the frequency of their use in areas of higher population density, and the effects of augmented concentration of air pollutants due to topography, the health concerns about this air pollution sector are amplified even further.

**Commenter:** Kevin Stewart, Director of Environmental Health, American Lung Association in Pennsylvania.

**Response:** Please see response to Comment 11.

**Wood smoke concentration in relation to atmospheric conditions and topography**

**13. Comment:** ...wood smoke is not always well-behaved by being quickly diluted, but concentrations depend greatly upon local atmospheric conditions and topography, features that may result in smoke plumes being retained in nondispersed air strata near the ground in local valleys, thousands of feet from their source.

**Commenter:** Kevin Stewart, Director of Environmental Health, American Lung Association in Pennsylvania.

**Response:** New Subparagraphs 2105.50.a.4.C & D include topography and meteorology as criteria upon which the Department may base a determination that any open burning activity may be deemed a nuisance and as a result be prohibited or reduced by the Department.



**The Technical Support Document for the SIP submittal is inadequate**

**14. Comment:** the Technical Support document (a restatement of the Executive Summary) found within the Proposed Revision document (Revision Tracking No. 79) on July 3, 2014 at [http://www.achd.net/air/publichearing2014/070114\\_Proposed\\_Open\\_Burning\\_Regulation\\_rev.pdf](http://www.achd.net/air/publichearing2014/070114_Proposed_Open_Burning_Regulation_rev.pdf) is insufficient and should be improved at least as follows:

- 1) It should demonstrate that the 15-foot setback of the potentially 54-cubic-foot burn pile is sufficient to result routinely in acceptable air quality (as compared, for example, to the National Ambient Air Quality Standards for fine particle pollution (PM<sub>2.5</sub> or fine PM), and to any existing health standards or guidance pertaining to concentrations of air toxics such as acid gases and polycyclic aromatic hydrocarbons) in the air above the neighboring property/-ies. If such demonstration cannot be achieved, then the setback distance and/or the volume of the burn pile should be set at values that make this control effective.
- 2) It should demonstrate that implementation of the proposal not only will significantly reduce air pollution inventory from the sector of residential wood combustion in the short-term, but also will preemptively control opportunities for future growth of emissions from this sector.
- 3) It should demonstrate that enforcement measures required to ensure that conditions of these regulations are met will be practically and substantially carried out so that the anticipated pollution reductions will in fact be achieved.

**Commenter:** Kevin Stewart, Director of Environmental Health, American Lung Association in Pennsylvania.

**Response:** While the Health Department again does not dispute the fact that there can be health risks associated with burning, it is not feasible to attain the level of protective confidence in crafting a rule that the ALA requests. The 15-foot setback results in a 30 burn radius (difficult to attain in urban areas) for a short-term burn pile that can only legally be 18 cubic feet (not 54) and cannot be adequately measured against the particulate matter NAAQS since those standards use an annual or 24-hr averaging time. Data specific to open burning is very limited and those results are varied, especially for such small burns. This is in contrast to the data relied upon by several commenters that is the result stack data from easily controlled and tested high temperature sources such as fireplaces, woodstoves and smoke chambers. The setback is a new requirement that results in a more protective rule and does not rule out more restrictive requirements in the future. Therefore, the Department considers the Technical Support Document adequate to meet the requirements of 40CFR Part 51, Appendix V, "Criteria for Determining the Completeness of Plan Submissions," Item 2.2, "Technical Support." Finally, the Executive Summary, which is duplicative of the Technical Support Document, will be removed from the body of the SIP submittal.

### **A Public Education and Information Campaign should be required by regulation**

**15. Comment:** PennFuture generally supports the proposed amendments, however, we urge ACHD to require adoption and implementation of a public educational program associated with recreational open burning of clean wood. PennFuture understands the attraction and enjoyment of recreational campfires. However, ACHD should not ignore the health and environmental impacts of this activity. Particulate matter, carbon monoxide and volatile organic compounds (VOCs) are just a few of the unhealthy pollutants found in the smoke drifting off of our campfires and out of our wood-stoves. Wood burning, indoors and out, is on the rise and the health impacts are significant...

For this reason, PennFuture urges ACHD to propose and adopt a regulation that embodies a commitment to develop and implement a program that educates Allegheny County citizens on the public health and environmental impacts associated with open burning of dry wood. PennFuture believes this educational campaign represents an acceptable middle ground between those who, for good reason, advocate that open burning should be banned entirely, and those who resist regulations that would deter open burning. Without mandating an entire ban, an educational campaign offers the promise to influence the public to voluntarily reduce open burning, and improve compliance with the proposed regulations. By adopting a regulation that mandates use of an educational campaign, ACHD would evidence its understanding of the harm posed by this activity and make a firm commitment to the public that it will take practical steps to reduce and eliminate open burning without adoption of a complete ban. PennFuture believes that the public would benefit greatly if it knew the nature of the health problems and deterioration of air quality caused by open burning.

As such, PennFuture recommends adoption of language to the effect:

*Educational Campaign.* Open burning of even dry wood for recreational purposes can have adverse impacts on public health and the environment. For this reason, ACHD will develop and implement a campaign intended to educate county residents of the adverse health and environmental impacts of having open recreational fires in order to improve compliance with these regulations, and further reduce the occurrence of open burning within the County.

**Commenter:** Valessa Souter-Kline, Western Pennsylvania Outreach Coordinator, Penn Future.

**Response:** The Health Department appreciates the commenter's recognition of the need for a balanced approach and the importance of public education related to open burning. While the Department does not consider it necessary to memorialize the need for such public education in an Article XXI regulation, it fully agrees with the need for an information campaign, and, in fact, already has in place some aspects.

Refer, for example, to <http://www.achd.net/air/burning/wood.html>. The Department plans additional outreach efforts in the future. ACHD is planning a full campaign to disseminate information about the new regulation and, in particular, the ban on all open burning on Air Quality Action Days:

- After the regulation is approved, ACHD will distribute a press release within the month announcing the regulation and will provide a link to the ACHD website containing full information on the regulation and Action Day burn bans.
- ACHD will incorporate language on the burn ban on all future press releases announcing Air Quality Action Days.
- A direct mailing to all municipalities and fire departments in Allegheny County will go out shortly after the regulation is approved.
- A robust advertising campaign will also be developed to disseminate information on the regulation and the burn ban, which will run through the Air Quality Action season, 2015.

**16. Comment:** ...Scientific literature supports the fact that wood smoke is very dangerous and causes health problems. The general public perception of wood burning, for example, that it's **harmless nostalgic Americana**, will be difficult to change unless the hazards are more widely publicized by government agencies.  
**Commenter:** Julie Burgo, Chair, Clean Air Revival. A similar comment was made by Carol Wivell.

**Response:** Please see response to Comment 15.

#### **Public Education and Information reporting about enforcement**

**17. Comment:** The proposed ordinance, no matter how stringent, is worth little without proper enforcement. We support the changes that allow inspectors to reduce or extinguish fires determined to be nuisances. To permit the public to be aware of the agency's enforcement actions, we ask that reports be created and made public on a monthly basis—how many wood smoke complaints are received, from which zip code, and how the complaints were resolved.

**Commenter:** Jamin Bogi, Policy & Outreach Coordinator, Group Against Smog and Pollution (GASP).

**Response:** That type of summary, with the level of detail requested – zip code and complaint resolution - is not available with the current programming software being used by the ACHD.

**Cannot open Windows due to Open Burning/ Open Burning should not be allowed in residential areas**

**18. Comment:** My home is surrounded by three homes with fire pits and one where they burn in a small barrel. Of the homes with the fire pits three sit lower than my home. The smoke rises and my house becomes a chimney. When I open my windows hoping for cool evening air, I often get a house filled with smoke. Closing windows helps minimally. Sometimes the fires are left to smolder all night long. My hope for cool fresh air becomes a far-off dream. The house next door is "next door" and the proximity causes the same problem. I have to comment that all of these homes are much farther away than the proposed 10 foot limit. That limit is ridiculous. Smoke travels great distances.

Fire Pits are just one component that contribute... to serious health problems that affect thousands of people who live in the Pittsburgh area. Once a fire pit is burning, it is releasing chemicals that are harmful to all of us and harmful to the planet.

FURTHERMORE, fire pits are a totally unnecessary activity. Why continue with them? Given County-wide problems of air pollution: given the close proximity of most homes in the Pittsburgh area: given the toxicity of burning wood: .....I think it is time to ban all open burning, including fire pits.

**Commenter:** Nancy Robinson. Similar comments were made by Carol Seech, Debbi Overly, Shirley Brandie, Cathy Baiton, Deborah Yednak, Carol Wivell, Alfred Burgo, MD, Linda Woshner and Julie Burgo.

**Response:** Please see responses to Comments 4 and 7. Also, the Department always recommends that the public make use of the ACHD complaint line, which can be used by citizens at 412-687-ACHD (2243) to report air quality issues including open burning.

**The vulnerable should be protected**

**19. Comment:** Given the toxicities of wood smoke, county residents -- particularly the most vulnerable, such as infants, children, pregnant women, the elderly, and those with chronic health problems -- should be protected. It is now accepted as law that no one in a public venue should be involuntarily subjected to second hand cigarette smoke and its adverse health effects. The same should apply to wood burning -- especially since the smoke particles created are ultrafine and there is no practical way of preventing it from seeping into nearby homes.

**Commenter:** Alfred Burgo, MD. Similar comments were made by Linda Woshner, Debbi Overly, Carol Wivell and Ray Zographos.

**Response:** Please see the responses to Comments 4, 5, and 9.

**Difficult to regulate open burning at local level due to intimidation**

**20. Comment:** ...In 2010 Bellevue borough attempted to pass, then in 2012 finally did pass, an open burning ordinance. The open burning ordinance in Bellevue was very controversial. It divided the town and the council. I have been a member of the Bellevue Council for several years. I was serving as President of Council in 2012. I witnessed firsthand how difficult it is to help people with this smoke problem at the local level. Those residents who were in favor of an ordinance were intimidated and ridiculed because they were accused of infringing on others' rights to burn whatever, wherever and whenever they wanted. They were afraid to speak because of how rowdy the pro-burning group was. There was a woman on oxygen that the group had no empathy for. They told her to close her windows....

**Commenter:** Linda Woshner, Bellevue Councilperson. A similar comment was made by Jane Braunlich, Debbi Overly, Julie Burgo, and Carol Wivell.

**Response:** The Department has an anonymous complaint line which can be used by citizens at 412-687-ACHD (2243) to report air quality issues including open burning.

**Current Health Department open burning regulation is ridiculed by those who conduct open burning**

**21. Comment:** I have neighbors who do open burning....There were numerous occasions that I thought there was a heavy fog....when I went to take dog out, I couldn't, because of the smoke hanging in the atmosphere from his burning. The entire area was heavy with the smoke, white, totally like a heavy fog, it was not possible for me to go out. This happens often and just one of many situations caused by the burning. His pollutant smoke comes into my home...a very well maintained house. I've observed that if I call an inspector, by the time they would arrive, the situation would have dissipated. He was heard making the comment, put a grate on the fire, throw a hot dog on it, and no one can do a thing about it!

This is Allegheny County, not the back woods of West Virginia. Please help.

**Commenter:** Carol Seech. A similar comment was made by Debbi Overly

**Response:** With these proposed regulation changes, regardless of whether there is food on the fire they must be burning the correct materials. The Department recognizes that fires may be extinguished prior to the arrival of an ACHD inspector. However, citizens can also call their local police or fire department who can submit reports to the Department if they feel it to be valuable.

**Wood is not needed as an outdoor cooking fuel**

**22. Comment:** ...Inexpensive cleaner burning fuels are readily available and should be utilized. There are gel-based fuels or alcohol-based fuels. We know that there are gas grills to cook on. Nobody needs to cook on wood in this densely populated county. Eliminate the use of wood as an outdoor cooking tool in Allegheny County residential areas. You don't need to cook on wood.

**Commenter:** Carol Wivell.

**Response:** Please see responses to Comments 4 and 21. The Health Department considers this regulation revision to be more restrictive overall.

**The Health Department should exercise its authority and do the right thing**

**23. Comment:** Dear Board Members...I am counting on you.... to take the necessary steps to stop outdoor wood burning. The facts are now becoming nationwide: outdoor burning is detrimental to the public's health.

**Commenter:** Gail Downey. Similar comments were made by Debbi Overly and Carol Wivell.

**Response:** Please see response to Comment 4.

**Other Pennsylvania Department of Environmental Protection Comments**

**24. Comment:** Support for the proposed regulatory revisions: The DEP generally supports the proposed revisions which will enhance the ability of Allegheny County Health Department (ACHD) to limit open burning according to the unique needs of Allegheny County, and which are generally at least as stringent as the requirements of the DEP's corresponding regulation, 25 *Pa Code* Section 129.14 (relating to *Open burning operations*). The proposed extension of defined open burning activities to include those conducted in chimineas, fire pits, outdoor fireplaces and grills, restrictions upon the sizes of open fires and restrictions upon the fuels that may be burned in excepted activities, will reduce emissions of some of the air contaminants that are of the greatest concern to Allegheny County. The proposed new authority to prohibit or reduce any open burning activity that is determined to be a nuisance, based on criteria such as the severity, the amount of air pollutants, malodorous materials, duration, frequency, topography and meteorological conditions, will likely enhance the enjoyment of life and property for citizens of Allegheny County and reduce detrimental impacts to property, vegetation, human and animal health. The proposed disallowances of open burning activities on Air Quality Action Days will help to reduce pollution during those most critical times...

**Commenter:** Joyce Epps, Director, Bureau of Air Quality, PA Department of Environmental Protection.

**Response:** The Health Department welcomes support for this regulation.

**Additional comments received late into the public record.**

[The following comments were sent to the ACHD public information officer, but was not received by the Air Program until well after the Comment/Response document was final and presented to the Board of Health. These comments and responses are now added to the record.]

**25. Comment:** Currently there are now six properties that do burn and in the evening the cooling air causes the smoke and odor to drift back down the hillside and through our back yard. We end up being the recipients with no one be the wiser...It should be pointed out that from the appearance of many fires, the smoke may rise straight up in the air but as the smoke cools it ultimately falls somewhere without always being well dispersed or diluted as is evident in my case. Burning (is) known to have affected us this summer to the point where smoke has entered the house with all windows closed and extra sealant applied to window air conditioners both internally ( to the chassis) and to window installation. Another general observation is seeing the morning air in our region. This year, by the appearance of the morning air, for example while driving ... and viewing the surrounding landscape, you can actually see the blue haze that settles into the various valleys. That blue haze has to show up in our air quality measurements. It is clear that residual from the increase of recreational wood burning has to be an increasing major contributor.

**Commenter:** Christopher Harper.

**Response:** First, if there are concerns about burning that might be illegal, a citizen should contact ACHD rather than taking action themselves. Second, the ACHD notes the general observations offered by the commenter, particularly with regard to inversions. Inversions do sometimes result in elevated pollutant levels. The Department also notes that it operates PM2.5 chemical speciation monitors in Allegheny County which are used to indicate components of measured particulate matter, including wood smoke.

**26. Comment:** Increasing the distance of burning from any property line to 15 feet would do almost nothing for us since our problem seems to involve evening air currents as well. I did notice that Ross Township has a 50 foot requirement but I'm not sure that this applies to all burning since I am seeing houses going up for sale in Ross that point out a burn pit as a selling point and they are always less than 50 feet from the house or a property line. Increasing distance might help prevent some people from burning due to their small lot size, so if that is the intent, the distance from any road, property line or structure should be increased well beyond the proposed 15 feet. I believe it is currently 10 feet so 15 feet will likely not be enough.

**Commenter:** Christopher Harper.

**Response:** Please refer to the Department's response to Comment #7.

**27. Comment:** There was mention of adding regulation to not burn on "ozone action days" but I thought this was already the case. Isn't this already a part of the current regulation?

**Commenter:** Christopher Harper.

**Response:** The Department notes that prior to this regulation revision, there was no such restriction in regulation, but only in policy. The revised regulation now has a restriction on wood burning activities on Air Quality Action Days.

**28. Comment:** This all comes down to a quality of life issue. My wife and I have been looking to move because of the on-going open-burning but we would likely end up no better off since burning is now so prevalent in Allegheny County. I can't tell you how many times we have driven by a house up for sale or used Google Earth to research a house on the market only to see a neighbor's prominent burn pit. This really needs to be addressed at the county level. Many municipalities just don't have the resources to address the problem and as I understand it there are only two people in the county that handles these kinds of complaints.

**Commenter:** Christopher Harper.

**Response:** The revised regulation does what the comment suggests – it addresses the issue of open burning at the county level. The Department considers its inspection capacity adequate, and notes that local municipal authorities are permitted to enforce the Open Burning regulation, as well.



### CERTIFICATION of APPROVAL and ADOPTION

To the best of my knowledge, information, and belief, I the undersigned hereby certify that the amendments to §§ 2101.20, and 2105.50 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, and Ordinance No. 16782 of the County of Allegheny, adopted by the Allegheny County Board of Health on July 2, 2014, enacted by the Allegheny County Council on November 5, 2014 (Ordinance 19-15-OR), approved by the Allegheny County Chief Executive on November 13, 2014, and effective January 1, 2015, 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 Second Class County Charter Law, 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.



Michael A. Parker  
Assistant Solicitor  
Allegheny County Health Department

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ALLEGHENY ) S.S. \_\_\_\_\_

On the 7<sup>th</sup> day of April, 2015,

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

WHEREFORE, I have hereunto set my hand and official seal the 7 day of April, 2015.

  
NOTARY PUBLIC