

COUNTY OF ALLEGHENY, PENNSYLVANIA
ORDINANCE NO. 16782, and
ALLEGHENY COUNTY HEALTH
DEPARTMENT
RULES AND REGULATIONS, ARTICLE XXI
AIR POLLUTION CONTROL

ABRASIVE BLASTING EDITION

Effective Date: February 1, 1994

As Amended by the Board of Health:

Effective October 20, 1995

Amended as noted, through February 10, 2022, Effective February 20, 2022

Contents

NOTE: The contents of this “Abrasive Blasting” Edition of Article XXI includes the sections of Article XXI that deal with abrasive blasting, and other sections of Article XXI referenced in those sections, as well as the definitions of Section 2101.20 that relate to abrasive blasting.

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PART A – GENERAL

§2101.01 SHORT TITLES {effective February 1, 1994}

This ordinance and these rules and regulations shall be known and may be cited as the "Air Pollution Control Regulations" or "Article XXI."

§2101.02 DECLARATION OF POLICY AND PURPOSE

- a. In recognition of the constitutional right of the citizens of Pennsylvania to clean air and to the preservation of the natural, scenic, historic and aesthetic values of the environment and in recognition of the constitutional duty of the Commonwealth to conserve and maintain Pennsylvania's natural resources for the benefit of all people, it is hereby declared to be the policy of the County of Allegheny to protect the air resources of the County by pollution prevention and pollution control to the degree necessary for the:
 1. Protection of the health, safety and welfare of all its citizens;
 2. Prevention of injury to plant and animal life and to property;
 3. Protection of the comfort and convenience of the public and the protection of the recreational resources of the County; and
 4. Development, attraction and expansion of industry, commerce and agriculture.
- b. Pollution prevention is recognized as the preferred strategy (over pollution control) for reducing risk to air resources. Accordingly, pollution prevention measures will be integrated into air pollution control programs wherever possible, and the adoption by sources of cost-effective compliance strategies, incorporating pollution prevention, will be encouraged.
- c. When pollution prevention measures are not feasible, it is therefore, the purpose of this Article to establish rules and regulations governing air pollution control in order to:
 1. Protect the health, safety and welfare of the citizens of Allegheny County;
 2. Achieve and maintain the ambient air quality standards established by this Article;
 3. Provide a mechanism to obtain such information as is necessary to determine the current air quality of the County, the factors contributing to that air quality and the current compliance status of any source of air contaminants as it relates to this Article;
 4. Require the implementation of Reasonably Available Control Technology on all existing sources of air contaminants as expeditiously as practicable and the application of Best Available Control Technology on all new sources;
 5. Establish permit and license procedures for sources of air contaminants which will ensure compliance with this Article and will maximize the potential for continued industrial and economic growth within the County in order to:
 - A. Ensure the attainment and maintenance of the ambient air quality standards established by this Article, the protection of the public health, safety and welfare, and the preservation of the air resources of the County;
 - B. Ensure compliance with the requirements of this Article by preconstruction review of new and modified sources of air contaminants and periodic review of existing sources;

- C. Ensure that the Department has adequate current information on proposed new and modified and existing sources of air contaminants so that the air pollution control program established by this Article can be efficiently and effectively administered; and
 - D. Ensure that the requirements of the Clean Air Act and the Air Pollution Control Act concerning sources of air contaminants are met, so as to maximize the potential for continued industrial and economic growth within the County.
6. Ensure that sources of air contaminants located within Allegheny County will not unreasonably interfere with air pollution control programs of other jurisdictions;
 7. Maximize public and governmental understanding of, and participation in, efforts to improve and maintain the air resources of Allegheny County;
 8. Provide a mechanism for revising this Article as necessary in light of changed circumstances; and,
 9. Establish an air pollution control program which is consistent with the requirements of the Air Pollution Control Act and the Clean Air Act.

§2101.05 EXISTING PERMITS AND LICENSES *{Paragraphs a.1 & 2 renumbered & Subsection b added September 6, 1995, 1995, effective October 20, 1995, Subsection b modified January 22, 1998, effective March 31, 1998}*

- a. Except as may otherwise be required by law:
 1. All Operating Permits, Non-Complying Source Operating Permits, Open Burning Permits, Waste-Derived Liquid Fuel Operating Permits, Abrasive Blasting Permits, Asbestos Abatement Permits, and Asbestos Abatement Contractor Licenses heretofore issued shall continue in full force and effect until expired, terminated, or revoked in accordance with Part C, D, E, or I of this Article, but in no event shall such permits or licenses relieve any person from the duty to comply with this Article except as specifically set forth in such permits or licenses; and
 2. All Installation Permits and Waste-Derived Liquid Fuel Installation Permits heretofore issued shall continue in full force and effect until expired, terminated, or revoked in accordance with Part B, D, E, or I of this Article, but in no event shall such permits relieve any person from the duty to comply with this Article.
- b. For purposes of this Section, Operating permits heretofore issued to sources shall not expire until the permit pursuant to Part C of this Article is issued.

§2101.06 CONSTRUCTION AND INTERPRETATION

- a. **Liberal Construction.** This Article is adopted pursuant to the police and Health Department powers of the County of Allegheny and is intended to protect the health, safety and welfare of the citizens of Allegheny County. Therefore, the provisions of this Article shall be liberally construed to give full effect to the purposes of this Article.
- b. **Provisions Cumulative.** The provisions of this Article shall be cumulative. Therefore, except as may be otherwise explicitly provided for in this Article, compliance with any provision of this Article shall in no manner relieve any person of the duty to fully comply with any other provision of this Article.

- c. **Conflict.** In the event that the provisions of this Article conflict, the provision which results in the lowest permissible emission rate shall prevail, absent clear and convincing evidence that a different provision is intended to prevail.
- d. **Ambiguity.**
 - 1. In the event that more than one interpretation is reasonably possible as to which of two or more provisions of this Article apply, the provision which results in the lowest permissible emission rate shall prevail, absent clear and convincing evidence that a different provision is intended to prevail.
 - 2. In the event that more than one interpretation is reasonably possible as to any provision of this Article, the interpretation which results in the lowest permissible emission rate shall prevail, absent clear and convincing evidence that a different interpretation is intended to prevail.
- e. **Provisions Severable.** The provisions of this Article shall be severable. If any provision of this Article is found by a court to be unconstitutional or otherwise void, the remaining provisions of this Article shall remain valid unless the court finds that such remaining provisions are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Commissioners would have enacted such provisions without the void provision, or unless the court finds that such remaining provisions, standing alone, are incomplete and incapable of being executed in accordance with the Commissioners' intent.
- f. **Burden of Proof.** In any proceeding arising out of the provisions of this Article, or arising out of an order issued or action taken pursuant to this Article, any person who claims entitlement to any exemption which may be provided for in this Article, or in an order issued pursuant to this Article, or who claims that a provision or interpretation other than the one resulting in the lowest permissible emission rate was intended to prevail pursuant to this Section shall bear the burden of proof and the burden of going forward with respect to such claim.
- g. **Separate Offenses.**
 - 1. Violations of any requirement of this Article, or any order or permit issued pursuant to this Article, occurring on separate days shall be considered separate offenses.
 - 2. Violations of any ambient air quality standard established by this Article occurring on the same day but at separate locations shall be considered separate offenses.
- h. **Absolute Liability.** Insofar as permitted by law, this Article is intended to impose absolute liability for violations of the provisions of this Article.

§2101.10 AMBIENT AIR QUALITY STANDARDS

{Amended as to PM2.5 May 14, 2010, effective May 24, 2010. Amended August 29, 2013, effective September 23, 2013.}

The values specified below shall be considered as representing minimum quality, but not necessarily desirable quality. Nothing contained in this Section shall be construed to preclude the Department from enforcing or applying any provision of this Article in areas where the ambient air quality is, or will be, at concentrations less than those specified in this Section.

- a. All final national and state ambient air quality standards, promulgated by EPA under the Clean Air Act at 40 CFR part 50, and by the state under the Air Pollution Control Act at 25 Pa. Code Chapter 131, respectively, are hereby incorporated by reference into this Article. Additions, revisions, or deletions to such standards by the EPA and the Commonwealth, respectively are incorporated into this Article and are effective on the effective date established by the federal or state regulations, unless otherwise established by regulation under this Article.

- b. Allegheny County Specific Standards – In addition, the following are ambient standards as they relate to Article XXI §2105.51 , Abrasive Blasting, within Allegheny County:

CONCENTRATIONS AVERAGED OVER

Contaminant	30 days	24 hrs.	8 hrs.	3 hrs.	1 hr.
PM-10			450		
County Free Silica Portion			100		
Lead			10		25

All values are stated in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and represent maximum values not to be exceeded.

§2101.11 PROHIBITION OF AIR POLLUTION

- a. It shall be a violation of this Article to fail to comply with, or to cause or assist in the violation of, any requirement of this Article, or any order or permit issued pursuant to authority granted by this Article. No person shall willfully, negligently, or through the failure to provide and operate necessary control equipment or to take necessary precautions, operate any source of air contaminants in such manner that emissions from such source:
1. Exceed the amounts permitted by this Article or by any order or permit issued pursuant to this Article;
 2. Cause an exceedance of the ambient air quality standards established by §2101.10 of this Article; or
 3. May reasonably be anticipated to endanger the public health, safety, or welfare.
- b. It shall be a violation of this Article for any person to:
1. Operate, or allow to be operated, any source in such manner as to allow the release of air contaminants into the open air or to cause air pollution as defined in this Article, except as is explicitly permitted by this Article;
 2. In any manner hinder, obstruct, delay, resist, prevent, or in any way interfere or attempt to interfere with the Department or its personnel in the performance of any duty hereunder, including the Department's inspection of any source;
 3. Violate the provisions of 18 Pa.C.S. §4903 (relating to false swearing) or §4904 (relating to unsworn falsification to authorities) in regard to any submittals to the Department under this Article; or
 4. Submit any application form, report, compliance certification, or any other submittal to the Department under this Article which is, in whole or in part, false, inaccurate, or incomplete.
- c. It shall be a violation of this Article for any person to cause a public nuisance, or to cause air, soil, or water pollution resulting from any air pollution emission. No person who operates, or allows to be operated, any air contaminant source shall allow pollution of the air, water, or other natural resources of the Commonwealth and the County resulting from such source.

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

Whenever used in this Article, or in any action taken pursuant to this Article, the following words and phrases shall have the meanings stated, unless the context clearly indicates otherwise. Except as specifically provided in this Article, terms used in this Article retain the meaning accorded them under the applicable provisions and requirements of the Clean Air Act.

"Abrasive blasting" means the cleaning or preparing of an interior or exterior surface by forcibly propelling a stream of abrasive material against the surface.

"Abrasive material" means any material used as a projectile in an abrasive blasting operation including but not limited to sand, slag, steel shot, garnet, or agricultural shells.

"Adverse environmental effect" means any significant and widespread adverse effect, which may reasonably be anticipated to impact wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.

"Air contaminant" means any air-borne smoke, dust, dirt, noxious or obnoxious acid, fume, oxide, gas, mist, vapor, waste, toxic waste, particulate, pollen, radioactive solid, liquid or gaseous matter, malodorous matter, or any other materials, including but not limited to all regulated air pollutants, in the open air, but excluding uncombined water, or any combination thereof.

"Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration which may reasonably be anticipated to have an adverse effect upon the public health, safety, or welfare, human, plant, or animal life, or to property, or which interferes with the comfortable enjoyment of life and property.

"Air pollution control equipment" means any chemical, article, machine, device, equipment, or other contrivance, the use of which may eliminate or reduce the emission of air contaminants into the open air.

"Alternative method" means a method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to the satisfaction of the Administrator of the EPA to, in specific cases, produce results adequate for a determination of compliance. *{effective July 10, 2003}*

"Ambient air" means that portion of the atmosphere outside the property boundaries of the source under consideration or to which the general public has access.

"Ambient air quality standards" means those standards established by §2101.10 of this Article.

"Applicable requirement" means, unless otherwise expressly excluded, all of the following applicable to a source (including requirements that have been promulgated or approved by the County or the EPA at the time of action or issuance but have future-effective compliance dates):

- a. All provisions of this Article;
- b. All provisions of the Clean Air Act and the Air Pollution Control Act;
- c. All provisions of all regulations approved or promulgated by EPA through rulemaking under the Clean Air Act; and
- d. All terms and conditions of any permit, license, or order issued pursuant to this Article, the Clean Air Act, the Air Pollution Control Act, or any regulations approved or promulgated by EPA through rulemaking under the Clean Air Act.

"Article" means Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, and Allegheny County Ordinance No. 16782.

"Article XI" means Article XI, Rules and Regulations of the Allegheny County Health Department or such other rules, regulations, or other legal procedures hereafter established by Allegheny County providing for administrative appeals from actions of the Department under this Article.

"At the source" means the point at which emissions enter the open air.

"BACT" {see Best Available Control Technology}.

"Best Available Control Technology" means an emission limitation based on the maximum degree of reduction of each air contaminant regulated by this Article, which the Department determines on a case-by-case basis to be achievable taking into account the energy, environment, and economic impacts and other costs. In no event shall application of BACT result in emissions of any air contaminant exceeding the emissions allowed under any applicable NSPS, any NESHAP, or any RACT emission limit under this Article.

"Breakdown" means any sudden or unexpected event which has the effect of causing any air pollution control equipment, process equipment or any other potential source of air contaminants to fail, malfunction or otherwise abnormally operate in such manner that emissions into the open air are, or may be, increased.

"Carcinogenic effect" shall have the meaning provided by the Administrator under Guidelines for Carcinogenic Risk Assessment as of the date of enactment.

"CFR" means the Code of Federal Regulations.

"County" means Allegheny County, Pennsylvania.

"DEP" means the Pennsylvania Department of Environmental Protection or other state air quality permitting agency.

"Department" means the Allegheny County Health Department established pursuant to the Pennsylvania Local Health Administration Law, Act of August 24, 1951, P.E. 1304, as amended, 16 P.S. §12001 et seq.

"Deputy Director" means the Deputy Director, Allegheny County Health Department Bureau of Environmental Quality.

"Director" means the Director of the Allegheny County Health Department or his designated representative, except that for purposes of the filing of disclosure statements and the issuance of orders and permits, it shall mean the Director of the Allegheny County Health Department only.

"Drum" means any cylindrical metal shipping container which has a capacity between 12 and 110 gallons (45.4 and 416.4 liters).

"Dust" means particulate matter which has, or may become, airborne.

"Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

"Emission tests" means any evaluations, inspections, observations, or tests designed to measure the quantity, rate, or concentration of emissions, including fuel analyses, analyses of raw materials, intermediate products, final products, or by-products, evaluations of air pollution control equipment, measurements of process parameters, or other factors that may affect emissions.

"Emissions" means air contaminants entering into the open air.

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

"Federal action" means any activity engaged in by a department, agency, or instrumentality of the Federal government, or any activity that a department, agency, or instrumentality of the Federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and projects developed, funded, or approved under 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 *et seq.*). Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase of the non-Federal undertaking that requires the Federal permit, license, or approval.

"Fugitive dust emissions" means airborne particulate matter from roads, parking lots, plant yards, or other exposed surfaces, construction activities, mining, blasting, truck transport, land reclamation, and the like.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening. *{amended December 12, 2000, effective January 12, 2001}*

"Hazardous air pollutant" means

a. Any of the following air pollutants:

Chemical		117817	Bis(2-ethylhexyl)phthalate (DEHP)
Abstract		542881	Bis(chloromethyl)ether
Service		75252	Bromoform
<u>(CAS) number</u>	<u>Chemical name</u>	106990	1,3-Butadiene
		156627	Calcium cyanamide
75070	Acetaldehyde	105602	Caprolactam
60355	Acetamide	133062	Captan
75058	Acetonitrile	63252	Carbaryl
98862	Acetophenone	75150	Carbon disulfide
53963	2-Acetylaminofluorene	56235	Carbon tetrachloride
107028	Acrolein	463581	Carbonyl sulfide
79061	Acrylamide	120809	Catechol
79107	Acrylic acid	133904	Chloramben
107131	Acrylonitrile	57749	Chlordane
107051	Allyl chloride	7782505	Chlorine
92671	4-Aminobiphenyl	79118	Chloroacetic acid
62533	Aniline	532274	2-Chloroacetophenone
90040	o-Anisidine	108907	Chlorobenzene
1332214	Asbestos	510156	Chlorobenzilate
71432	Benzene (including benzene from	67663	Chloroform
	gasoline)	107302	Chloromethyl methyl ether
92875	Benzidine	126998	Chloroprene
98077	Benzotrichloride	1319773	Cresols/Cresylic acid
100447	Benzyl chloride		(isomers and mixture)
92524	Biphenyl		

<u>(CAS) number</u>	<u>Chemical name</u>	<u>(CAS) number</u>	<u>Chemical name</u>
95487	o-Cresol	96457	Ethylene thiourea
108394	m-Cresol	75343	Ethylidene dichloride
106445	p-Cresol		(1,1-Dichloroethane)
98828	Cumene	50000	Formaldehyde
94757	2,4-D, salts and esters	76448	Heptachlor
3547044	DDE	118741	Hexachlorobenzene
334883	Diazomethane	87683	Hexachlorobutadiene
132649	Dibenzofurans	77474	Hexachlorocyclopentadiene
96128	1,2-Dibromo-3-chloropropane	67721	Hexachloroethane
84742	Dibutylphthalate	822060	Hexamethylene-1,6-diisocyanate
106467	1,4-Dichlorobenzene(p)	680319	Hexamethylphosphoramide
91941	3,3-Dichlorobenzidene	110543	Hexane
111444	Dichloroethyl ether	302012	Hydrazine
	(Bis(2-chloroethyl)ether)	7647010	Hydrochloric acid
542756	1,3-Dichloropropene	7664393	Hydrogen fluoride
62737	Dichlorvos		(Hydrofluoric acid)
111422	Diethanolamine	123319	Hydroquinone
121697	N,N-Diethyl aniline	78591	Isophorone
	(N,N-Dimethylaniline)	58899	Lindane (all isomers)
64675	Diethyl sulfate	108316	Maleic anhydride
119904	3,3-Dimethoxybenzidine	67561	Methanol
60117	Dimethyl aminoazobenzene	72435	Methoxychlor
119937	3,3-Dimethyl benzidine	74839	Methyl bromide (Bromomethane)
79447	Dimethyl carbamoyl chloride	74873	Methyl chloride (Chloromethane)
		71556	Methyl chloroform
68122	Dimethyl formamide		(1,1,1-Trichloroethane)
57147	1,1-Dimethyl hydrazine	78933	Methyl ethyl ketone (2-Butanone)
131113	Dimethyl phthalate	60344	Methyl hydrazine
77781	Dimethyl sulfate	74884	Methyl iodide (Iodomethane)
534521	4,6-Dinitro-o-cresol, and salts	108101	Methyl isobutyl ketone (Hexone)
51285	2,4-Dinitrophenol	624839	Methyl isocyanate
121142	2,4-Dinitrotoluene	80626	Methyl methacrylate
123911	1,4-Dioxane (1,4-Diethyleneoxide)	1634044	Methyl tert butyl ether
122667	1,2-Diphenylhydrazine	101144	4,4-Methylene bis(2-chloroaniline)
106898	Epichlorohydrin	75092	Methylene chloride
	(1-Chloro-2,3-epoxypropane)		(Dichloromethane)
106887	1,2-Epoxybutane	101688	Methylene diphenyl diisocyanate (MDI)
140885	Ethyl acrylate	101779	4,4-Methylenedianiline
100414	Ethyl benzene	91203	Naphthalene
51796	Ethyl carbamate (Urethane)	98953	Nitrobenzene
75003	Ethyl chloride (Chloroethane)	92933	4-Nitrobiphenyl
106934	Ethylene dibromide	100027	4-Nitrophenol
	(Dibromoethane)	79469	2-Nitropropane
107062	Ethylene dichloride	684935	N-Nitroso-N-methylurea
	(1,2-Dichloroethane)	62759	N-Nitrosodimethylamine
107211	Ethylene glycol	59892	N-Nitrosomorpholine
151564	Ethylene imine (Aziridine)	56382	Parathion
75218	Ethylene oxide	82688	Pentachloronitrobenzene
			(Quintobenzene)
		87865	Pentachlorophenol
		108952	Phenol

<u>(CAS) number</u>	<u>Chemical name</u>	<u>(CAS) number</u>	<u>Chemical name</u>
106503	p-Phenylenediamine	0	Cobalt Compounds
75445	Phosgene	0	Coke Oven Emissions
7803512	Phosphine	0	Cyanide Compounds ¹
7723140	Phosphorus	0	Glycol ethers ²
85449	Phthalic anhydride	0	Lead Compounds
1336363	Polychlorinated biphenyls	0	Manganese Compounds
	(Aroclors)	0	Mercury Compounds
1120714	1,3-Propane sultone	0	Fine mineral fibers ³
57578	beta-Propiolactone	0	Nickel Compounds
123386	Propionaldehyde	0	Polycyclic Organic Matter ⁴
114261	Propoxur (Baygon)	0	Radionuclides (including radon) ⁵
78875	Propylene dichloride	0	Selenium Compounds
	(1,2-Dichloropropane)		
75569	Propylene oxide		
75558	1,2-Propylenimine		
	(2-Methyl aziridine)		
91225	Quinoline		
106514	Quinone		
100425	Styrene		
96093	Styrene oxide		
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin		
79345	1,1,2,2-Tetrachloroethane		
127184	Tetrachloroethylene		
	(Perchloroethylene)		
7550450	Titanium tetrachloride		
108883	Toluene		
95807	2,4-Toluene diamine		
584849	2,4-Toluene diisocyanate		
95534	o-Toluidine		
8001352	Toxaphene (chlorinated camphene)		
120821	1,2,4-Trichlorobenzene		
79005	1,1,2-Trichloroethane		
79016	Trichloroethylene		
95954	2,4,5-Trichlorophenol		
88062	2,4,6-Trichlorophenol		
121448	Triethylamine		
1582098	Trifluralin		
540841	2,2,4-Trimethylpentane		
108054	Vinyl acetate		
593602	Vinyl bromide		
75014	Vinyl chloride		
75354	Vinylidene chloride		
	(1,1-Dichloroethylene)		
1330207	Xylenes (isomers and mixture)		
95476	o-Xylenes		
108383	m-Xylenes		
106423	p-Xylenes		
0	Antimony Compounds		
0	Arsenic Compounds (inorganic including arsine)		
0	Beryllium Compounds		
0	Cadmium Compounds		
0	Chromium Compounds		

and;

- b. The list of pollutants under Paragraph a above is hereby modified to be consistent with the list of pollutants established by the EPA under Section 112(b) of the Clean Air Act, effective on the effective date of any additions, revisions, or deletions to such Section 112(b) list as established by the federal government, unless otherwise established by regulation under this Article. *{amended September 6, 1995, effective October 20, 1995}*

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

- 1 X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or Ca(CN)₂
- 2 Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where:
n = 1, 2, or 3
R = alkyl or aryl groups
R' = R, H, or groups which, when removed, yield glycol ethers with the structure:
R-(OCH₂CH)_n-OH.
Polymers are excluded from the glycol category.
- 3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter of one (1) micrometer or less.
- 4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.
- 5 A type of atom which spontaneously undergoes radioactive decay.

"**HEPA filter**" means a high efficiency particulate absolute air filter capable of trapping and retaining 99.97 percent of fibers greater than 0.3 micrometers in mass median aerodynamic diameter equivalent.

"**HEPA vacuum equipment**" means vacuuming equipment equipped with a HEPA filter system.

"**High-silica abrasive**" means an abrasive which contains equal to or greater than five percent (5%), by weight, of free silica (silicon dioxide, SiO₂).

"**Lead paint**" means paint or other similar surface coating materials containing lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.5% by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

"**Leak-tight container**" means, at a minimum, double six (6) mil polyethylene bags inside a fiber or steel drum capable of being sealed at the top with an adjustable seal ring, labeled in accordance with the requirements of 40 CFR §61.150(a)(1)(iv) and (v).

"**MSDS (Material Safety Data Sheet)**" means the documentation required for hazardous chemicals by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard--29 CFR Part 1910 (relating to occupational safety and health standards)--for a solvent, cleaning material, coating or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations and handling procedures. *{effective July 10, 2003}*

"**NAAQS**" {see National Ambient Air Quality Standard}.

"**National Ambient Air Quality Standard**" means any ambient air quality standard promulgated by the EPA pursuant to Section 109 of the Clean Air Act.

"National Emission Standards for Hazardous Air Pollutants" (40 CFR Parts 61 and 63) means any emission limitation now or hereafter established by the EPA pursuant to Section 112 of the Clean Air Act.

"NESHAPS" {see National Emission Standards for Hazardous Air Pollutants}.

"Net air quality benefit" means, in the context of a source constructed or modified pursuant to Part B of this Article, that emission reductions obtained and new emissions from the new or modified source impact air quality in the same general area and manner, and result in an overall improvement in air quality.

"NIOSH" means the National Institute for Occupational Safety and Health CDC - NIOSH, Building J. N.E., Room 3007, Atlanta, GA 30333.

"Opacity" means the degree, by percentage, to which emissions of air contaminants reduce the transmission of light or obscure the view of an object in the background.

"Open air" means any space outside of buildings or flues or any point at which air contaminants pass beyond the effective control of the person responsible for the source of the air contaminants.

"Part per million" means a unit of concentration defined as one volume of gaseous air contaminant per million volumes of gas.

"Particulate matter" means any material, except uncombined water, that is, or has been, air or gasborne and exists as a solid or liquid at 70 F and 14.7 pounds per square inch absolute pressure.

"Person" means any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or other instrumentality of federal, state, local, or regional government, or other entity recognized by law as the subject of rights and duties.

"Person subject to the Clean Air Act or this Article" means any individual, natural person, syndicate, association, partnership, firm, corporation, institution or other entity recognized by law as the subject of rights and duties who owns, operates, or allows to be operated, a source which is subject to the permit requirements of the Clean Air Act or to the permit requirements of this Article or which is, or may become, subject to any enforcement order under the Clean Air Act or this Article, except that it shall not mean:

- a. An individual who is, or may become, subject to a compliance order solely by reason of his ownership or operation of a motor vehicle;
- b. Any agency, authority, department, bureau, or instrumentality of Federal, State, Local or Regional Government;
- c. A person who is subject to the permit requirements of this Article or who is, or may become, subject to a compliance order solely by reason of his ownership or operation of a domestic heating plant;
- d. A university or other educational institution, so long as the relationship of the proposed appointee or hearing board member to the university or other educational institution is confined to teaching and other educational duties and does not include providing services relating to the physical operation of the university or other educational institution; or
- e. A bank, savings and loan association or other such institution, so long as the relationship of the proposed appointee or hearing board member to the institution is solely that of depositor in one or more savings, checking or other interest-bearing accounts.

"PM-2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured by an applicable reference method, or equivalent or alternative method, specified by the EPA or by a method specified in this Article. *{amended May 14, 2010, effective May 24, 2010}*

"PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by an applicable reference method, or equivalent or alternative method, specified by the EPA or by a method specified in this Article.

"Pollution prevention" means source reduction and other practices that reduce or eliminate the creation of pollutants through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process. The term does not include out-of-process recycling, treatment, and safe disposal. *{effective July 10, 2003}*

"Potential emissions" means the maximum capacity of a source to emit air contaminants, including fugitive emissions, under the physical and operational design of the source. Any physical or operational limitation on the capacity to emit air contaminants, including air pollution control equipment and techniques and permit conditions limiting the operating rate, hours of operation, or fuels or raw materials used, shall be treated as part of the design of the source to the extent such limitation, or its effect on emissions, is federally enforceable under the provisions of the Clean Air Act.

"Power tool cleaning" means the removal of paint, rust, mill scale, or any other surface coating, containing lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.5% by weight of the total nonvolatile content of the surface coating or the weight of the dry surface coating, with any power operated tool including but not limited to wire brushes, sanders, scrapers, grinders, or descenders.

"PPM" means parts per million.

"Process" means any operation or series of operations, including all equipment, devices, or other contrivances and all flues and appurtenances thereto, for making any physical or chemical change for the purpose of transforming materials into any product of manufacture, and which may result in the emission of air contaminants, but not including equipment defined as fuel-burning or combustion equipment or incinerators. A process includes any operation by which materials are charged or otherwise placed into the first piece of equipment which makes a physical or chemical change in the materials and all intervening steps up to and including any operation by which the product is discharged or otherwise removed from the final piece of equipment which makes a physical or chemical change. Similar or parallel operations within a process shall be considered as a single operation except where such aggregation would result in greater allowable emissions or a lesser permit fee.

"Process fugitive emissions" means any air contaminant entering into open air from a process by means other than a flue.

"Regulated air pollutant" means the following:

- a. Nitrogen oxides or any volatile organic compounds;
- b. Any pollutant for which a NAAQS has been promulgated;
- c. Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;
- d. Any EPA Class I or II substance subject to a standard promulgated under or established by title VI of the Clean Air Act; or
- e. Any pollutant subject to a standard promulgated under Section 112 of the Clean Air Act or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including the following:
 1. Any pollutant subject to requirements under Subsection 112(j) of the Clean Air Act. If the Administrator fails to promulgate a standard by the date established pursuant to Subsection 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Subsection 112(e) of the Act; and

2. Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to the requirement of Section 112(g)(2) of the Act.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Responsible official" means one of the following:

- a. For a corporation:
 1. A president, secretary, treasurer, or vice-president of the corporation in charge of the subject principal business function;
 2. Any other person who performs similar policy or decision-making functions for the corporation; or
 3. A duly authorized representative of a person under Paragraph 1 or 2 above if the representative is responsible for the overall operation of one or more of the subject manufacturing, production, or operating sources applying for, or subject to, a permit and either:
 - A. The source employs more than 250 persons or has gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - B. The delegation of authority to the representative is approved in advance in writing by the Department,

whose authority to act on behalf of the corporation is documented in writing to the Department by a certificate of corporate authority executed by the secretary of the corporation;

{Subparagraph a.3 amended September 6, 1995, effective October 20, 1995}

- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public agency, either:
 1. A ranking elected official;
 2. A principal executive officer (e.g. the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency); or
 3. A duly authorized representative of a person under Paragraph 1 or 2 above if the representative is responsible for the overall operation of one or more departments of the agency applying for or subject to a permit,

whose authority to act on behalf of the governmental body or agency is documented in writing to the Department by a certified resolution or executive order of the controlling elected board, commission, council, or official; and

- d. Notwithstanding any of the above, for affected sources, for purposes of complying with Title IV of the Clean Air Act and the regulations promulgated thereunder: the designated representative.

"School" means, for the purposes of §2105.91, an institution for the education or training of children, including but not limited to kindergartens, rehabilitation centers, day care centers, Head Start centers, group day care homes, family day care homes and summer camps. (Vehicle Code, 67 Pa Code §171.2). Also, any public or private school used for the purposes of education and instruction of more than 12 school pupils at or below the 12th grade level, but does not include any private school in which education and instruction is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property. The term excludes unimproved school property. *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

"Significant air quality impact" means an increase in pollutant concentrations exceeding the following:
{PM_{2.5} added February 21, 2019, effective March 3, 2019}

<u>Pollutant</u>	<u>Average Time</u>				
	<u>Annual</u>	<u>24 Hour</u>	<u>8 Hour</u>	<u>3 Hour</u>	<u>1 Hour</u>
PM-10	1.0 ug/m ³	5 ug/m ³	-----	-----	-----
Particulate	1 ug/m ³	5 ug/m ³	-----	-----	-----
PM _{2.5}	0.2 ug/m ³	1.2 ug/m ³	-----	-----	-----
SO ₂	1 ug/m ³	5 ug/m ³	-----	25 ug/m ³	-----
NO _x	1 ug/m ³	-----	-----	-----	-----
CO	-----	-----	0.5 mg/m ³	-----	2.0 mg/m ₃
Lead	-----	0.1 ug/m ³	-----	-----	-----

All major new or modified sources of volatile organic compounds shall be considered to have a significant air quality impact. *{Lead added September 6, 1995, effective October 20, 1995}*

"Significant portion of income" means ten percent (10%) or more of gross personal income for a calendar year, including retirement benefits, consultant fees and stock dividends, except that it shall mean 50% or more of gross personal income for a calendar year if the recipient is over 60 years of age and is receiving such portion pursuant to retirement, pension or similar arrangement. Income received from mutual-fund payments, or from other diversified investments as to which the recipient does not know the identity of the primary source of income, shall be considered part of the recipient's gross personal income but shall not be treated as income derived from persons subject to the Clean Air Act or this Article.

"Visible emissions" means emissions of air contaminants which can be seen by the naked eye in contrast with any background.

PART D - POLLUTANT EMISSION STANDARDS

§2104.01 VISIBLE EMISSIONS

- a. **General.** No person shall operate, or allow to be operated, any source except those specifically excluded by Subsection b below in such manner that the opacity of visible emissions from a flue or process fugitive emissions from such source, excluding uncombined water:
 1. Equal or exceed an opacity of 20% for a period or periods aggregating more than three (3) minutes in any 60 minute period; or,
 2. Equal or exceed an opacity of 60% at any time.
- b. **Exclusions.** Subsection a above shall not apply to:
 1. Coke ovens or a battery of coke ovens;
 2. Incinerators; or,
 3. Visible emissions resulting solely from the cold start of fuel-burning or combustion equipment, if such a cold start has been reported as required by Subsection d of §2108.01 of this Article.
- c. **Alternative Standards for Fugitive Emissions.**
 1. With respect to fugitive emissions only, the Department may establish an alternative standard(s) to those standards set forth in Subsection a above for a particular source if:
 - A. Fugitive emission control equipment has been installed and placed into operation on such source and/or other enforceable fugitive emission control techniques have been implemented on such source;
 - B. The Department determines that the control equipment and/or other techniques installed or implemented on such source represent RACT as applied to the particular source involved; and,
 - C. The person responsible for such source demonstrates that the fugitive emissions remaining after the application of such control equipment or other techniques are of only minor significance with respect to causing air pollution and do not prevent or interfere with the attainment or maintenance of any ambient air quality standard.
 2. The person responsible for such source shall make written application to the Department and shall, at its own expense, provide all data and other information which is needed by the Department to make the determinations set forth above and to establish an alternative opacity standard(s).
 3. Any alternative standard(s) established pursuant to this Subsection shall require the continued operation and/or implementation of that control equipment or other techniques on which the above determinations are based and shall require compliance with an opacity standard which represents the optimum performance of such control equipment and/or other techniques. Any such alternative standard(s) shall apply only to the particular source for which the above determinations were made.
 4. Any alternative standard(s) established pursuant to this Subsection shall be proposed as an amendment to this Article. Upon the adoption of any such amendment, the affected source shall thereafter comply with the alternative standard(s) so established and shall be relieved of the duty to comply

with the provisions of Subsection a above with respect to fugitive emissions. The Department shall submit any such amendment as a proposed revision to Allegheny County's portion of the SIP.

5. The failure to comply with any provision of an amendment adopted pursuant to this Subsection shall be a violation of this Article giving rise to the remedies set forth in §2109.02 of this Article.

SUBPART 5 - OPEN BURNING AND ABRASIVE BLASTING SOURCES

§2105.51 ABRASIVE BLASTING *{Subsection d amended July 16, 2009, effective July 26, 2009. Paragraph d.2 amended September 15, 2021, effective September 25, 2021.}*

- a. **General.** No person shall conduct, or allow to be conducted, abrasive blasting or power tool cleaning, hereinafter all referred to as abrasive blasting, of any surface, structure, or part thereof, hereinafter all referred to as surface, which has a total area greater than 1,000 square feet unless:

1. Such abrasive blasting complies with all applicable requirements of this Section; and
2. The owner of such surface, which has a total area:
 - A. Greater than 10,000 square feet, has properly applied for and been issued, by the Department, either an abrasive blasting project permit or annual permit under this Section; or
 - B. Greater than 1,000 square feet but not more than 10,000 square feet, has properly submitted a notice to the Department under this Section,

except where such blasting is part of a process requiring an operating permit under Subparts C.1 or C.2 of this Article.

- b. **Regulations Cumulative.** In addition to complying with all applicable provisions of this Section, no person shall conduct, or allow to be conducted, abrasive blasting of any surface unless such abrasive blasting also complies with all other applicable requirements of this Article unless such requirements are specifically addressed by this Section.

- c. **Permit Applications and Notices.**

1. Properly completed applications for permits and notices required under this Section, along with the appropriate fees, shall be submitted to, and received by, the Department no later than 30 days prior to the proposed date, and in the case of notices the actual date, of commencement of the proposed abrasive blasting.
2. Permit applications and notices under this Section shall be made on forms approved by the Department, signed by the owner of the site, and submitted in duplicate to: Abrasive Blasting Permit Applications, Allegheny County Health Dept., Bldg. 3, 3901 Penn Ave., Pittsburgh, PA 15224-1345.
3. Permit applications and notices under this Section shall include all information necessary for the Department to determine full compliance with this Article, including, but not limited to:
 - A. Name, mailing and street address, telephone number, and contact person of the owner of the site;
 - B. Names, mailing and street addresses, telephone numbers, and contact persons of the person (e.g. contractor) to perform the abrasive blasting and the general contractor, if

any, for the site, if known; if not known at the time of application or notice, this information must be submitted to, and received by, the Department, prior to the commencement of any abrasive blasting;

- C. Exact location of the site, including the street and number, municipality, and postal ZIP code for the property and the specific location on the property, and a detailed description of the surrounding area, including the residential, commercial, industrial, or undeveloped nature of the area;
 - D. Starting and completion dates and daily operating hours for the abrasive blasting;
 - E. Detailed description of the nature and size of the surface to be blasted, including the square feet to be blasted;
 - F. Specific work practices, procedures, equipment, and abrasives to be utilized at the site to comply with the requirements of this Article;
 - G. Detailed justification for the use of abrasive blasting rather than an alternative method of surface preparation; and
 - H. Detailed description of the proposed manner of disposal of the spent abrasive and blast residue or any other waste material generated.
4. **Testing of paint.** For all projects involving the removal of paint, the required application or notice under this Section shall include independent laboratory test results indicating the lead content, if any, of the paint to be removed. The sampling and analysis of paint required under this Section shall be conducted in accordance with either Part G of this Article or any other methods approved in advance by the Department.
- d. **Permit Application Fees.**
- 1. For each permit application required under this Section, other than for annual permits, the owner of the subject surface shall submit to the Department a project permit application fee, payable to the Allegheny County Air Pollution Control Fund for the proposed abrasive blasting. The amount of the fee shall be set by the Board of Health.
 - 2. For each annual permit application required under this Section, the owner of the subject surfaces shall submit to the Department an annual permit application fee in the amount set by the Board of Health, payable to the Allegheny County Air Pollution Control Fund, for the proposed abrasive blasting. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
 - 3. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
- e. **Standards for Issuance.** The Department shall not issue an Abrasive Blasting Permit under this Section unless a properly completed application, with the appropriate fee, has been submitted to, and received by the Department in accordance with this Section, and such application demonstrates to the Department's satisfaction that the blasting will be conducted in full compliance with the requirements of this Article.
- f. **Project Permits.** Unless covered by an annual permit, separate project permits shall be required for each different structure to be blasted.
- g. **Annual Permits.** In place of project permits, an annual permit may be issued for on-going, in-house abrasive blasting operations involving continuous or intermittent abrasive blasting performed at a specified site.

- h. **Permit Term.** Unless revoked by the Department under this Article:
 - 1. A project permit issued under this Section shall expire on either the project completion date identified in the application, any expiration date identified on the issued permit, or 365 days after the date of issuance, whichever is sooner; and
 - 2. An annual permit issued under this Section shall expire on either any expiration date identified on the issued permit, or on December 31 of the year of issuance, whichever is later.
- i. **Notices of Set-up & Preparation and of Completion.**
 - 1. **Set-up and Preparation Notice.** No person shall conduct, or allow to be conducted, any abrasive blasting activities requiring a permit under this Subpart unless, following completion of the full set-up and preparation of the work area, including the commencement and continuing maintenance of any required negative air pressure in the work area, any other controls, and any required monitoring, but prior to the commencement of any actual abrasive blasting activity, the Department is notified of such completion of set-up and preparation. Such notice shall include the abrasive blasting permit number, the names of the owner and the abrasive blasting contractor, the street address and municipality of the project site, the name and phone number of the person submitting the notice, and the estimated date and time of the actual commencement of abrasive blasting.
 - 2. The owner or operator shall notify the Department of the date on which all abrasive blasting and clean-up activities have been finally completed at a site no later than 24 hours after such date.
- j. **Monitoring.** If the Department determines, on the basis of any information available to it, that emissions or potential emissions from any proposed or existing abrasive blasting operation may reasonably be anticipated to have a potentially adverse impact upon the public health, safety, or welfare due to, among other concerns, the presence of lead paint, the Department may, by order or permit condition, require the owner or operator to implement ambient air quality monitoring programs during the abrasive blasting operation and to submit the monitoring results to the Department as expeditiously as possible. All ambient air quality sampling, analysis, and reporting required under this Section shall be conducted in accordance with either Part G of this Article or any other federal or state guidance acceptable to the Department. All such ambient air quality sampling, analysis, and reporting shall be conducted by persons who have no financial interest in, or personal association with, the site owner or operator, the general contractor, or the abrasive blasting contractor or subcontractor, and in accordance with a plan approved in advance by the Department and in accordance with all applicable orders and permit conditions. Such plan shall include a statement of qualifications, QA/QC program, specifications for monitor type and placement, monitoring duration, and a reporting schedule.
- k. **Rejection, Suspension, and Revocation.**
 - 1. The Department may, at any time, reject a permit application under this Section or suspend or revoke a permit issued under this Section if it determines that:
 - A. Any statement made in the permit application or any other submittal by the applicant to the Department is not true, or that material information has not been disclosed in the application or any such submittal;
 - B. The abrasive blasting operation is not being conducted or will not be conducted, or the proposed operation will not be conducted, in full compliance with all applicable provisions of this Article and all applicable permits and orders;
 - C. Potential or actual emissions from the operation or proposed operation are potentially endangering, or are likely to potentially endanger, public health, safety or welfare; or

- D. It has been denied lawful access to the site as authorized by Part I of this Article.
- 2. Rejected applications and revoked permits cannot be reconsidered or reissued. Consideration and issuance of new applications and permits can only occur after submittal of a new application and fee in accordance with this Section.
- 3. Reinstatement of a suspended permit can only occur after the owner has, to the Department's satisfaction, corrected all problems and demonstrated an ability and willingness to comply with all requirements, and documented such corrections and demonstration to the Department.
- l. **High-silica abrasives.** No abrasive blasting using high-silica abrasives shall be conducted at any time.
- m. **Abrasive blasting involving lead paint.** For all abrasive blasting involving lead paint:
 - 1. Visible emissions shall comply with the requirements of §2104.01.a of this Article at the source at all times; and
 - 2. Best Available Control Technology shall be used at the site at all times to minimize visible emissions beyond the property line, public exposure to particulate matter, and the deposition of particulate matter upon public or private property.
- n. **Abrasive blasting not involving lead paint.** For all abrasive blasting not involving lead paint, visible emissions shall comply with the requirements of §2104.01 of this Article at all times when conducting abrasive blasting.
- o. **Clean-up, Storage, and Disposal Procedures.** A complete clean-up of all spent abrasive and blast and cleaning residue, shall be conducted upon termination of abrasive blasting activities each day and upon the final termination of the project. Clean-up procedures shall include, at a minimum, the following:
 - 1. The daily collection of all spent abrasive and blast and cleaning residue, if any, visible in the vicinity of the blasting site.
 - 2. All vacuuming of spent abrasive and blast and cleaning residue, for all abrasive blasting not involving lead paint, shall be performed using an industrial vacuum cleaner equipped with an exhaust filter.
 - 3. All vacuuming of spent abrasive and blast and cleaning residue, for all abrasive blasting involving lead paint, shall be performed using an industrial vacuum cleaner equipped with a HEPA filter.
 - 4. All stockpiles of new or recycled abrasive materials at the site shall be covered at all times, except and only to the extent necessary to remove or add materials to the piles.
 - 5. All spent abrasive and blast and cleaning residue at the site shall be stored for disposal in covered containers, and shall not be stored at the site in violation of any applicable Federal, State, and local environmental regulations.
 - 6. All spent abrasive and blast and cleaning residue from the site, and all other solid waste and waste water generated at the site from the abrasive blasting activity, shall be properly disposed of in accordance with all applicable Federal, State, and local environmental regulations.
- p. **Alternative Standards or Procedures.**
 - 1. The Department may, on a case-by-case basis, approve an alternative standard or procedure to be followed on a specific abrasive blasting project in lieu of a requirement of this Section provided

that the requested alternative standard or procedure is submitted, in writing, and demonstrates to the Department's satisfaction that:

- A. The proposed alternative standard or procedure is equivalent to a requirement of this Section; or
 - B. That strict compliance with the requirements of this Section are unreasonable or impossible in the particular circumstances involved, and the proposed alternative standard or procedure will minimize, to the maximum extent possible, the potential for the public's exposure to emissions from the abrasive blasting project.
2. Approval to institute an alternative standard or procedure must be received, in writing, from the Department prior to the use of such alternative standard or procedure.
 3. Abrasive blasting activity subject to this Section involving specific activities such as, but not limited to, the use of vacuum shrouded power tools, must fully comply with all requirements of this Section, including, but not limited to, all containment requirements, unless specific alternative procedures have been approved under this Section.

PART H - REPORTING, TESTING, & MONITORING

§2108.04 AMBIENT MONITORING

- a. Whenever the Department determines, on the basis of any information available to it, that emissions from any source are significantly contributing to the degradation of air quality or to an exceedance of any ambient air quality standard established by §2101.10 of this Article, or that such emissions may reasonably be anticipated to have an adverse impact upon the public health, safety or welfare, it may, by order or permit condition, require the owner or operator of such source to install and operate such ambient monitoring equipment as is needed to evaluate the impact of such source upon air quality. Such order or permit condition shall:
 1. Specify the equipment to be installed;
 2. Specify the location at which such equipment is to be installed, or in the alternative, require the owner or operator to determine the locations pursuant to criteria specified in the order;
 3. Specify a reasonable time for such installation;
 4. Specify reporting and data retention requirements;
 5. Include such other requirements as appropriate.
- b. It shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article for any person to violate any requirement of an order or permit condition issued pursuant to this Section or to knowingly retain or report false data.

PART I - ENFORCEMENT

§2109.01 INSPECTIONS

{Subsection d added by May 7, 1998 amendment, effective May 15, 1998}

- a. **General.** The Department may enter any premise, except a building used exclusively as a private residence, for the purpose of inspecting any source of air contaminants and associated equipment, and all records, charts, instruments and the like associated therewith or for the purpose of determining compliance with any provision of this Article. As expeditiously as is reasonable, the person responsible for such source shall, upon request, make all records, charts, and the like pertaining to such source available to the Department for inspection and copying.
- b. **Manner of Entry.** Prior to entering any premise, the Department shall make all reasonable efforts to obtain the consent of the owner or operator or his authorized representative, and shall enter at such time and in such manner as is reasonable under the circumstances.
- c. **Search Warrant.**
 1. In accordance with §13.1. of the Air Pollution Control Act, whenever an agent or employee of the Department, charged with the enforcement of the provisions of this Article, has been refused access to property, except a building used exclusively as a private residence, or has been refused the right to examine any air contaminant source or air pollution control equipment or device, or is refused access to or examination of books, papers, and records pertinent to any matter under investigation, or has cause to believe he will be refused such entry or access, such agent or employee may apply for a search warrant to any Commonwealth official authorized by the laws of the Commonwealth to issue the same to enable him to have access, examine, and seize such property, air contaminant source, air pollution control equipment or device, or books, papers, and records, as the case may be. It shall be sufficient probable cause to issue a search warrant that the inspection is necessary to properly enforce the provisions of this Article.
 2. This Subsection shall not be construed as restricting or affecting any and all rights otherwise existing which the Department may have to obtain search warrants upon probable cause to believe that any source is being installed, operated, or maintained in violation of any provision of this Article.
- d. The owner or operator of every coke plant within Allegheny County shall reimburse the Allegheny County Health Department for the cost of performing inspections pursuant to the coke oven NESHAP requirements of 40 CFR 63 Subpart L. The amount of reimbursement shall be determined annually by the Board of Health in accordance with 40 CFR 63.309, and include an appropriate administrative fee. Payment shall be made for each calendar quarter, within 30 days of invoice. Late payment of fees is subject to the provisions of Section 2109.07 of this Article.

§2109.02 REMEDIES

{Paragraphs a.3 & 6 amended September 6, 1995, effective October 20, 1995.

Paragraphs a.5, 6, & 7 amended August 29, 2013, effective September 23, 2013.}

- a. **General.** In addition to any remedy specifically authorized by any other provision of this Article or the laws of the Commonwealth or the United States, the Department may pursue any one or more of the following remedies for the violation of any requirement of this Article:
 1. The issuance of an Enforcement Order as authorized by §§2109.03, 2109.04, and 2109.05 of this Article, including Emergency Orders to restrain or enjoin immediately and effectively any person from engaging in any activity in violation of a regulation or permit that is presenting an imminent and substantial endangerment to the public health or welfare, or the environment;
 2. The revocation of any applicable License or Installation or Operating Permit.

3. The initiation of a summary criminal proceeding before a district justice, magistrate, or justice of the peace as authorized by §§9. and 12.g. of the Air Pollution Control Act, 35 P.S. §§4009. and 4012(g).
 4. The assessment of a civil penalty as authorized by §2109.06 of this Article;
 5. A request, from the Department or the Board of Health, to the County Executive to initiate in a court of competent jurisdiction an action for an injunction or other equitable relief and may include a request for civil penalties in the amount set forth in §2109.06 of this Article, including to restrain or enjoin immediately and effectively any person from engaging in any activity in violation of a permit that is presenting an imminent and substantial endangerment to the public health or welfare, or the environment;
 6. A petition, from the Department or the Board of Health, to the County Executive to request the District Attorney to initiate such other criminal action as may be appropriate, as authorized by §§9. and 12.g. of the Air Pollution Control Act, 35 P.S. §§4009. and 4012(g); and/or,
 7. A petition, from the Department or the Board of Health, to the County Executive to request the EPA and U.S. Department of Justice, and/or the DEP and PA Attorney General, to initiate such other civil and/or criminal action as may be appropriate.
- b. **Other Rights and Remedies Preserved.** Nothing in this Article shall be construed as impairing any right or remedy now existing or hereafter created in equity, common law or statutory law with respect to air pollution, nor shall any court be deprived of such jurisdiction for the reason that such air pollution constitutes a violation of this Article.
- c. **Remedies Concurrent.** It is expressly declared that the remedies authorized by this Article shall be concurrent and that the existence of pendency of any remedy shall not in any manner prevent the Department from seeking or exercising any other remedy, whether authorized by this Article or otherwise existing at law or in equity.

§2109.03 ENFORCEMENT ORDERS

{Paragraph b.5 amended September 6, 1995, effective October 20, 1995. Subsection d, and Paragraphs b.1 and d.1 amended August 29, 2013, effective September 23, 2013.}

- a. **General.** Whenever the Department finds, on the basis of any information available to it, that any source is being operated in violation of any provision of this Article, including any provision of any permit or license issued pursuant to this Article, it may order the person responsible for the source to comply with this Article or it may order the immediate shutdown of the source or any part thereof. The issuance of an order to address any violations, including of permit conditions, need not be preceded by the revocation of a permit.
1. The Department may also issue any such other orders as are necessary to aid in the enforcement of the provisions of this Article. These orders shall include, but shall not be limited to, orders modifying, suspending, terminating or revoking any permits, orders requiring persons to cease unlawful activities or cease operation of a facility or air contaminant source which, in the course of its operation, is in violation of any provision of this Article, or any permit, orders to take corrective action or to abate a public nuisance or to allow access to a source by the Department or a third party to take such action, orders requiring the testing, sampling, or monitoring of any air contaminant source, and orders requiring production of information. Such an order may be issued if the Department finds that any condition existing in or on the facility or source involved is causing, contributing to, or creating danger of air pollution, or if it finds that the permittee or any person is in violation of any provision of this Article.

2. The Department may, in its order, require compliance with such conditions as are necessary to prevent or abate air pollution or effect the purposes of this Article.
 3. The Department shall have the authority to order any person causing a public nuisance under this Article to abate the public nuisance. In addition, when the Department undertakes to abate a public nuisance, it may recover the expenses of abatement following the process for assessment and collection of a civil penalty contained in §2109.06 of this Article. Whenever the nuisance is maintained or continued contrary to this Article, or any order or permit, the nuisance may be abatable in the manner provided by this Article. Any person who causes the public nuisance shall be liable for the cost of abatement.
- b. **Form.** Any Enforcement Order issued pursuant to this Section shall:
1. Be in written form and be signed by the Director, the Deputy Director of the Bureau of Environmental Quality, or the Manager of the Air Quality Program, or their respective designee;
 2. Set forth the basis for such order;
 3. Require the performance of any acts specified by the order as expeditiously as practicable;
 4. Notify the person responsible that he has the right to a hearing as provided by Subsection d below;
 5. Notify the person responsible that the order is enforceable upon issuance and that appeal of an order shall not act as a stay unless the Director so orders.
 6. Notify the person responsible that failure to comply with the order within the times specified therein is a violation of this Article giving rise to the remedies provided by §2109.02 of this Article; and
 7. Include the assessment of a civil penalty in accordance with §2109.06 of this Article, if deemed appropriate by the Department.
- c. **Service.** Any Enforcement Order issued pursuant to this Section shall be served upon the person responsible by:
1. Personally handing him a copy;
 2. Serving him in the manner provided by Rule 1009(b)(2) of the Pennsylvania Rules of Civil Procedure or such other rules as may hereafter be established for the service of a complaint in a civil action; or
 3. Mailing a copy to him at his last known address by registered or certified mail, return receipt requested.
- d. **Hearings.** Any person who is aggrieved by an Enforcement Order issued pursuant to this Section shall, upon request, be granted a hearing in accordance with the provisions of Article XI, Rules and Regulations of the Allegheny County Health Department, or in accordance with such other procedures as may hereafter be established by the County Council. In all cases involving the provisions of this Article, hearings granted pursuant to this Subsection:
1. Shall not be held before employees of the Department who are assigned to the Air Quality Program of the Department; and
 2. Shall be held before a hearing officer who represents the public interest and does not derive any significant portion of his income from persons subject to the Clean Air Act or this Article, as defined in §2101.20 of this Article; except that, if a panel of three (3) or more persons is appointed

to hear the case, a majority of the panel shall represent the public interest and shall not derive any significant portion of his income from persons subject to the Clean Air Act or this Article. Prior to being appointed to act as a hearing officer; each proposed appointee shall file with the Chief Clerk of the County of Allegheny a Disclosure Statement as required by Subsection f of §2109.06 of this Article. Said Disclosure Statement shall be subject to the public inspection provisions of this Article.

- e. **Violations.** Failure to comply with any Enforcement Order within the times specified therein shall be a violation of this Article and a public nuisance giving rise to the remedies and penalties provided by §§2109.02 and 2109.06 of this Article. In addition to such remedies and penalties, the Department may immediately revoke such order and may pursue any other remedy as if such order has never existed.
- f. **Other Remedies Unaffected.** The issuance of an Enforcement Order shall in no manner preclude or affect the right of the Department to pursue other remedies as are provided by §2109.02 for violations of this Article, whether occurring before or after the effective date of the order. The issuance of an Enforcement Order shall not be construed as a revision to the SIP for the Commonwealth of Pennsylvania and shall in no manner preclude or affect the right of the United States, the Commonwealth, or any citizen to enforce that portion of the SIP applicable to Allegheny County pursuant to the provisions of the Clean Air Act and the Air Pollution Control Act.

§2109.04 ORDERS ESTABLISHING AN ADDITIONAL OR MORE RESTRICTIVE STANDARD

- a. **General.** Whenever the Department finds, on the basis of any information available to it, that emissions from any source are causing or significantly contributing to the exceedance of any ambient air quality standard established by §2101.10 of this Article at any location within the Commonwealth, that such emissions violate the requirements of §2101.12 of this Article relating to interstate pollution, or that such emissions may otherwise reasonably be anticipated to endanger the public health, safety or welfare, it may order the person responsible for such source to comply with an additional or more stringent emission limitation than established by this Article or it may order the immediate shutdown of the source or any part thereof.
- b. **Form, Service and Hearings.** Any order issued pursuant to this Section shall be in the form, and shall be served, as provided by §2109.03 of this Article. Upon request, any person who is aggrieved by an order issued pursuant to this Section shall be granted a hearing as provided by §2109.03 of this Article.
- c. **Emergency Power Unaffected.** The issuance of an order pursuant to this Section shall in no manner preclude or affect the power of the Department to issue an Emergency Order under §2109.05 of this Article.
- d. **Violations.** Failure to comply with any order issued pursuant to this Section within the time specified therein shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article. In addition to such remedies, the Department may immediately revoke such order and may pursue any other remedy as if such order had never existed.

§2109.05 EMERGENCY ORDERS

- a. **General.** Whenever the Department determines, on the basis of any information available to it, that an emergency exists that necessitates immediate action to protect the public health, safety or welfare, it may, without prior notice, issue an Emergency Order requiring whatsoever action it deems advisable to meet the emergency. Notwithstanding any other provision of this Article, an Emergency Order shall be effective at once and shall be complied with immediately.
- b. **Form and Service.** Insofar as possible in light of the necessity for immediate action, an Emergency Order shall be in the form, and shall be served, as provided by §2109.03 of this Article.
- c. **Hearings.** Upon request, any person who is aggrieved by an Emergency Order shall be granted a hearing as provided by §2109.03 of this Article; provided, however, that an Emergency Order shall continue in full force and effect notwithstanding the pendency of any such appeal.
- d. **Violations.** Failure to immediately comply with an Emergency Order shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article.

§2109.06 CIVIL PROCEEDINGS

{Paragraph a.1 amended September 6, 1995, effective October 20, 1995}

- a. **General.**
 1. In addition to proceeding under any other remedy available at law or in equity for a violation of a provision of this Article, or any order or permit issued pursuant to this Article, and in accordance with §§9.1. and 12.g. of the Air Pollution Control Act, the Department may assess a civil penalty for the violation. The penalty may be assessed whether or not the violation was wilful. The civil penalty so assessed shall not exceed \$15,000 per day for each violation which occurs on or after the effective date of this Article but not later than July 9, 1996, and \$25,000 per day for each violation which occurs after July 9, 1996.
 2. In accordance with §§9.1. and 12.g. of the Air Pollution Control Act, when the Department proposes to assess a civil penalty, it shall inform the person of the proposed amount of the penalty. The person charged with the penalty shall then have 30 days to pay the proposed penalty in full, or if the person wishes to contest the amount of the penalty or the fact of the violation to the extent not already established, the person shall forward the proposed amount of the penalty to the Department within the 30 day period for placement in an escrow account with the County treasurer or any Commonwealth bank or post an appeal bond to the Department within 30 days in the amount of the proposed penalty, provided that such bond is executed by a surety licensed to do business in the Commonwealth and is satisfactory to the Department.
 3. If, through administrative or final judicial review of the proposed penalty, it is determined that no violation occurred or that the amount of the penalty shall be reduced, the Department shall, within 30 days, in accordance with §§9.1. and 12.g. of the Air Pollution Control Act, remit the appropriate amount to the person with any interest accumulated by the escrow deposit. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless the appellant alleged financial inability to prepay the penalty or to post the appeal bond. If alleged, the Department shall conduct a hearing to consider the appellant's alleged inability to pay within 30 days of the date of the appeal. The Department may waive the requirement to prepay the civil penalty or to post an appeal bond if the appellant demonstrates and the Department finds that the appellant is financially unable to pay. The Department shall issue an order within 30 days of the date of the hearing to consider the appellant's alleged inability to pay.
 4. The amount assessed after administrative hearing or after waiver of administrative hearing shall be payable to the County and shall be collectible in any manner provided by law for the collection of

debts, including the collection of interest on the penalty amount computed in accordance with §6621(a)(2) of the U.S. Internal Revenue Code of 1986 (P.L. 99-514, 26 U.S.C. §1 et seq.), which shall run from the date of assessment of the penalty.

If any person liable to pay any such penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall constitute a debt of such person, as may be appropriate, to the County. The debt shall constitute a lien on all property owned by said person when a notice of lien incorporating a description of the property of the person subject to the action is duly filed with the Prothonotary of the Court of Common Pleas for the county where the property is located. In accordance with §§9.1. and 12.g. of the Air Pollution Control Act, the prothonotary shall promptly enter upon the civil judgment or order docket, at no cost to the Department, the name and address of the person, as may be appropriate, and the amount of the lien as set forth in the notice of lien.

Upon entry by the prothonotary, the lien shall attach to the revenues and all real and personal property of the person, whether or not the person is solvent. The notice of lien, filed pursuant to this Subsection, which affects the property of the person shall create a lien with priority over all subsequent claims or liens which are filed against the person, but it shall not affect any valid lien, right, or interest in the property filed in accordance with established procedures prior to the filing of a notice of lien under this Subsection.

5. **Hearings.** Any person who is aggrieved by a Civil Penalty assessed pursuant to this Section shall, upon request, be granted a hearing in accordance with the provisions of Article XI, Rules and Regulations of the Allegheny County Health Department, or in accordance with such other procedures as may hereafter be established by the Board of County Commissioners.

b. **Penalty Determination.**

1. In determining the amount of the penalty, the Department shall consider: the wilfulness of the violation; the actual and potential harm to the public health, safety, and welfare; the damage to the air, soil, water, and other natural resources of the County and their uses; the economic benefit gained by such person by failing to comply with this Article; the deterrence of future violations; the costs of the Department; the size of the source or facility; the compliance history of the source; the nature, frequency, severity, and duration of the violation; the degree of cooperation in resolving the violation; the speed with which compliance is ultimately achieved; whether or not the violation was voluntarily reported; other factors unique to the owners, operators, or other responsible parties of the source or facility; and other relevant factors.
2. In determining the economic benefit gained by such person, the Department may use the formulas contained in the current Civil Penalty Policy published by the EPA, and/or the regulations promulgated by EPA pursuant to Section 120 of the Clean Air Act, as appropriate.

- c. **Board Costs.** Whenever the Department upholds, under Article XI, a penalty assessed, or an order or permit issued, under this Article, the Department shall also assess the owner, operator, and other responsible parties of the subject source the board costs for such hearing which shall be in the amount of \$50 plus the actual costs incurred by the County for the transcribing and copying of the record of the hearing.

§2109.07 PENALTIES, FINES, AND INTEREST { *Subsection b amended September 15, 2021, effective September 25, 2021.* }

- a. **Fees.** A source that fails to pay any fee required under this Article when due shall pay a civil penalty of 50% of the fee amount, plus interest on the fee amount computed in accordance with Paragraph a.4 of §2109.06 of this Article from the date the fee was required to be paid. In addition, the source may have its permit revoked.
- b. **Disposition of Monies Collected.**
 - 1. All interest received by the County under this Article as a result of fees under Sections 2102.10.h, 2103.40.i, and 2103.41.a.1 of this Article shall be paid into the Allegheny County Air Quality Fund for the major operating permit program.
 - 2. All interest received by the County under this Article as a result of fees, other than the fees under Sections 2102.10.h, 2103.40.i, and 2103.41.a.1 of this Article, shall be paid into the Allegheny County Air Pollution Control Fund.
 - 3. All penalties, fines, interest, and other funds received by the County under this Article as a result of consent orders, noncompliance penalties, civil penalty actions, consent decrees, civil penalties, or summary proceedings, other than such funds provided for under paragraph 1 above, shall be paid into the Allegheny County Clean Air Fund.

§2109.08 ALLEGHENY COUNTY AIR POLLUTION CONTROL FUND & AIR QUALITY FUND { *Paragraph c amended July 16, 2009, effective July 26, 2009. Subsection e amended September 15, 2021, effective September 25, 2021.* }

- a. **Purpose.** The purpose of the "Allegheny County Air Pollution Control Fund", a restricted fund established by the Allegheny County Board of Commissioners for the Health Department on August 27, 1992, as of the effective date of this Article, is to receive and disburse all air pollution control fees, related interest, and all other related funds, including but not limited to related administrative charges and reimbursements for costs, in accordance with the Air Pollution Control Act Amendments of 1992, but not funds payable to the Allegheny County Air Quality Fund established under Subsection e below.
- b. **Disposition of Monies Collected.** All funds received by the County under this Article as a result of fees, related interest, and all other related funds, including but not limited to related administrative charges and reimbursements for costs, shall be paid into the special fund known as the Allegheny County Air Pollution Control Fund.
 - 1. The Funds under this Section shall be administered in accordance with the provisions of the Second Class County Code and other applicable laws. The County Treasurer shall invest monies deposited in the Funds in such manner as not to impair the liquidity of the Funds and shall credit all interest accruing on such monies to the respective Funds.
 - 2. The Department shall report on the status of the Funds to the Board of Health on an annual basis, or at such other intervals as the Board may require.
 - 3. Audits of the Funds shall be performed as required by law.
- c. **Disbursements.** Disbursements of monies from the Allegheny County Air Pollution Control Fund shall be utilized solely to cover all reasonable (direct and indirect) costs incurred by the County and required to develop and administer the County's air pollution control program other than those portions of the program required by Title V of the Clean Air Act. No air pollution source, which is subject to the provisions of this Article shall receive monies from the Funds under this Section, or services, equipment, or materials

purchased with such monies, to fulfill its obligations under this Article, except for Department facilities supporting the Air Quality Program.

- d. At no time for any purpose shall monies be disbursed or borrowed from the Allegheny County Air Pollution Control Fund, or otherwise distributed or encumbered, except as specifically allowed under this Section.
- e. There is hereby established the "Allegheny County Air Quality Fund" for the major operating permit program which is specifically for the deposit of all fees, and related interest, and only such fees and interest, collected by the County under this article to implement the requirements of Title V of the Clean Air Act, and the disbursement of such funds, and only such funds, solely to cover all of the costs of the County's air pollution control program required by Title V of the Clean Air Act. All funds received by the County under this Article as a result of fees, and related interest, collected from sources that require a major operating permit, and only such funds, shall be paid into the Allegheny County Air Quality Fund for the major operating permit program. Disbursements of monies from the Air Quality Fund for the major operating permit program shall be utilized solely to cover any and all reasonable (direct and indirect) costs required to develop and administer the County's air pollution control program required by Title V of the Clean Air Act, whether such costs are incurred by the County or other State or local agencies that do not issue permits directly but that support permit issuance or administration. At no time for any purpose shall monies be disbursed or borrowed from the Air Quality Fund for the major operating permit program, or otherwise distributed or encumbered, except as specifically allowed under this Section.

§2109.09 ALLEGHENY COUNTY CLEAN AIR FUND *{Paragraphs c & d amended July 16, 2009, effective July 26, 2009}*

- a. **Purpose.** The purpose of the "Allegheny County Clean Air Fund" is to receive and disburse all penalties, fines, and interest received by the County under this Article as a result of applications, permits, licenses, consent orders, noncompliance penalties, civil penalty actions, consent decrees, civil penalties, or summary proceedings, other than any fees, related interest, and other related funds. The Clean Air Fund is specifically for the disbursement of such funds solely to support activities related to the improvement of air quality within Allegheny County and to support activities which will increase or improve knowledge concerning air pollution, its causes, its effects, and the control thereof.
- b. **Disposition of Monies Collected.** All funds, other than fees, related interest, and other related funds received by the County under this Article shall be paid into the special fund known as the Allegheny County Clean Air Fund.
 - 1. This Fund shall be administered in accordance with the provisions of the Second Class County Code and other applicable laws. The County Treasurer shall invest monies deposited in the Fund in such manner as not to impair the liquidity of the Fund and shall credit all interest accruing on such monies to the Fund.
 - 2. The Department shall report on the status of the Fund to the Board of Health on an annual basis, or at such other intervals as the Board may require.
 - 3. Audits of the Fund shall be performed as required by law.
- c. **Disbursements.**
 - 1. Disbursements of monies from the Allegheny County Clean Air Fund shall be utilized solely to support the purposes set forth under Subsection a above. Funds may therefore be disbursed for such purposes as, but not limited to:
 - A. The support of research and development of control technologies;

- B. Health effects studies and surveys concerning air pollution;
 - C. Special purpose monitoring, as defined by the EPA;
 - D. Public education concerning air pollution;
 - E. The acquisition of consulting or other services from persons with special experience and/or expertise;
 - F. The purchase of equipment, materials, or services to supplement the County's air pollution control program; or
 - G. Any other project that is consistent with the purpose of this Section and the mission of the Board of Health.
- 2. An amount, no greater than five percent of the balance of the Clean Air Fund on December 31st of the previous calendar year, may be used to fund the normal operating costs of the County's Air Quality Program.
 - 3. No air pollution source, except for Department facilities supporting the Air Quality Program, which are subject to the provisions of this Article shall receive monies from this Fund, or services, equipment, or materials purchased with such monies, to fulfill its obligations under this Article.
- d. **Procedures for Disbursement of Funds.** Procedures for disbursement of monies paid into the Clean Air Fund shall be as follows:
- 1. The Department shall prepare requests for disbursements.
 - 2. The Department shall consult with the Air Pollution Control Advisory Committee regarding the disbursement requests.
 - 3. The Department shall present requests for disbursements to the Board of Health. The request shall include a summary of the consultation with the Air Pollution Control Advisory Committee.
 - 4. The Board of Health shall approve or disapprove requests for disbursement made by the Department. Approval of the Air Pollution Control Advisory Committee is not required.

§2109.10 APPEALS

In accordance with State Law and County regulations and ordinances, any person aggrieved by an order or other final action of the Department issued pursuant to this Article or any unsuccessful petitioner to the Administrator under Part C Subpart 2 of this Article shall have the right to appeal the action to the Director in accordance with the applicable County regulations and ordinances.