

COUNTY OF



ALLEGHENY

**Meeting of the Board of Health
Agenda for July 14, 2021**

Call to Order

Approval of Minutes – May 5, 2021

Public Comments on Agenda Items

Director's Report

New Business — Action Items

- Final Review
 - Revisions to Article XXI: Mon Valley Air Pollution Episode Rule
 - Formulation of Article XXIV: Paid Sick Leave
 - Food Safety Fees: Training for Certified Food Protection Managers
 - Environmental Health Fund Request: Lead Community Outreach Coordinator

- Approval for Public Comment
 - Revisions to Article XXI: Gasoline Loading Facilities & Gasoline Dispensing Facilities – Stage II

Old Business

Public Comments on Non-Agenda Items

Adjournment

**Next Meeting of the Board of Health:
Wednesday, September 1, 2021**

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

May 5, 2021

Present: Lee Harrison, MD, Chair
William Youngblood, Vice Chair
Debra Bogen, MD, Secretary
Anthony Ferraro
Edith Shapira, MD
Donald Burke, MD
Caroline Mitchell
Ellen Stewart, MD
Joylette Portlock, PhD

Absent: Kotayya Kondaveeti, MD

1. **Call to Order**

Due to the emergency order issued by Governor Wolf in relation to COVID-19, the meeting was held virtually. The meeting was livestreamed via Microsoft Teams Live, in order to allow the public to observe the meeting.

Dr. Harrison called the meeting to order and conducted a roll-call of the Board's members. He announced that an executive session was held to discuss litigation and personnel matters.

2. **Approval of Minutes from March 3, 2021**

Dr. Harrison asked if there were any comments or questions about the minutes. There were none.

Action: Dr. Shapira moved to approve the minutes, Dr. Stewart seconded the motion.

Motion passed unanimously.

3. **Public Comments on Agenda Items**

Mr. Bogdanovich read the following statement regarding the public comments on agenda items:

It is important to note that each member of the Allegheny County Board of Health receives each written public comment and has had time to review them. I will summarize the Public Comments on Agenda Items.

The Board of Health received comments from a total of 64 individuals. Of those individuals, 5 commented on the proposed Mon Valley Air Pollution Episode Rule. All of these commenters expressed concern for air quality and supported stricter regulations, including the proposed rule.

The majority of comments, a total of 47, involved the proposed revisions to the Plumbing Code. All comments were in support of the proposed revisions to the section related to fixture counts with seventeen commenters expressing support for further loosening of regulations related to restroom facilities. Eleven of the comments focused on the importance of safety such regulations would provide. Five of the commenters talked about how these changes would benefit businesses. Twelve commenters explained these changes would also benefit caregivers and parents.

Twelve individuals commented on the proposed formulation of Article XXIV: Paid Sick Leave. All the comments supported the proposed regulation. Several individuals described how this regulation would enable them to care for family members.

4. **Old Business**

A. Director's Report

Dr. Bogen provided her report to Board of Health.

Since the beginning of the pandemic, there have been 97,975 cases of Covid-19 and almost half (540,039) of our County's population has been tested for Covid-19. Over the most recent seven days, Allegheny County averaged 262 cases per day.

Dr. Bogen reported the state saw new cases over a seven day period decrease to 1,191 from 1,608. The incidence rate per 100,000 residents decreased to 97.9 from 132.2 and the PCR testing positivity rate decreased to 6.2% from 6.8%. The average daily Covid-19 specific hospitalizations decreased to 243.7 from 272.7. The average daily Covid-19 patients on ventilators increased to 40.6 from 39.1, and the percent of hospital emergency department visits due to Covid-like-illness increased to 0.5% from 0.4%.

A total of 678,511 individuals have been vaccinated in Allegheny County with 439,556 fully vaccinated and 238,955 partially vaccinated. ACHD has supported the administration of approximately 110,000 vaccinations. ACHD has operated vaccination sites in Castle Shannon, Ross Township, Monroeville, the Hill District and McKeesport. ACHD has conducted outreach to senior living facilities and senior centers. Dr. Bogen envisioned ACHD pivoting in the future to small community events to continue the vaccination campaign. Challenges for the vaccination campaign include equity, access, and the need to build vaccine confidence.

Dr. Bogen noted that the state is lifting all mitigation orders, except for masking, on May 31. She reminded everyone that the County still has 250 cases per day and urged everyone to consider their own risk level and that of those with whom they come into contact.

Dr. Bogen noted that the Air Quality dashboard was recently been updated. Unfortunately, it was been offline for the past ten days while a software issue is resolved. The good news is that the monitors are still working well. Hourly air quality monitor readings have been, and continue to be, provided on the website of the Western PA Regional Data Center.

Dr. Bogen welcomed Kell Wilkinson, ACHD's new Health Equity Coordinator, and Chris Togneri, the Public Health Information Officer. An offer was made regarding the position of Solicitor. Dr. Bogen thanked Jeff Bailey for his outstanding service as the Acting Solicitor. Currently posted positions include the Deputy Director of Clinical Services, the Human Resources Manager, an Environmental Health Communications Specialist, Public Health Nurses, and Inspectors in the environmental health programs.

5. **New Business**

A. Revisions to Article XXI: Mon Valley Air Pollution Episode Rule

ACHD's Air Quality Program requested the board approve sending to public comment the proposed changes to Article XXI for the Mon Valley Air Episode Rule.

Jim Kelly, ACHD Deputy Director for Environmental Health, presented the proposed changes explaining that during certain types of weather conditions the Liberty monitor may exceed the federal standard of $35\mu\text{g}/\text{m}^3$ for fine particulates ($\text{PM}_{2.5}$). The goal of this regulation change is to protect public health by minimize the number of exceedances.

Mr. Kelly explained the mechanics of the Episode Rule. Based on weather and pollution forecasting, when the conditions make an exceedance probable, ACHD will have the authority to call a Mon Valley Air Pollution Watch or a Mon Valley Air Pollution Warning. The rule will apply to all major and synthetic minor sources of $\text{PM}_{2.5}$, all sources that have combined allowable emissions from all emission unites of 6.5 tons or more per year of $\text{PM}_{2.5}$, and all sources that have combined allowable emissions from all emission unites of 10 tons or more per year of PM_{10} .

Each applicable source would be required to submit a mitigation plan with two phases, which would go into effect during an air pollution episode. Open Burning regulations would preclude such activities during an episode.

Board members expressed appreciation for the proposed regulations and asked questions regarding enforcement.

Action: Dr. Stewart moved to send the proposed regulations to the public for comment. Dr. Shapira seconded the motion.

The motion passed unanimously.

B. Clean Air Fund Request: Allegheny Alerts Informational Campaign

ACHD's Air Quality Program requested the Board of Health approve spending up to \$200,000 to support the notification process related to the proposed Mon Valley Air Pollution Episode Rule as well as community health outreach in related communities.

Jim Kelly, ACHD Deputy Director for Environmental Health, presented the proposal. The goal of this request is to fund an outreach campaign to encourage residents, especially in the Mon Valley communities, to sign up for Allegheny Alerts and to participated in ACHD Community Health Assessment updates. A Request For Proposals will be issued, and awards will be made to multiple organizations. Recipients will be required to collaborate with each other, in order to avoid duplication of efforts.

Action: Dr. Portlock moved to approve the expenditure of up to \$200,000 from the Clean Air Fund for the Allegheny Alerts informational campaign. Dr. Stewart seconded the motion.

The motion passed unanimously.

C. PM10 Second Maintenance Plan

ACHD's Air Quality Program requested the Board of Health give final approval for the PM₁₀ Second Maintenance Plan. Jim Kelly, ACHD Deputy Director for Environmental Health, presented the plan, which the Board of Health had previously reviewed and sent out for public comment, which occurred from January 29 to March 1, 2021.

Dr. Portlock asked what the EPA's process is for setting NAAQS limits. Mr. Kelly explained that it is a lengthy process. The NAAQS are reviewed every five years by national experts and that subcommittees exist for each of the six criteria pollutants. ACHD fully supports the EPA's review of the NAAQS and changing them based on science.

Action: Mr. Youngblood moved to grant final approval to the PM₁₀ Second Maintenance Plan. Dr. Stewart seconded the motion.

The motion passed unanimously.

D. Revisions to Article XV: Site Work & Restroom Fixture Counts

ACHD's Plumbing Program requested the Board of Health approve sending to public comment revisions to the proposed changes to Article XV: Plumbing and Building Drainage.

Jeff Bailey, ACHD's Acting Solicitor, presented. He explained that because Pennsylvania has not yet adopted the 2018 International Plumbing Code, Allegheny County must meet the minimum requirement of the currently adopted plumbing code, which is the 2015 International Plumbing Code.

ACHD Plumbing Program proposed revising changes to AC-106.4.2 to maintain the status quo for site work in Allegheny County. Mr. Bailey further explained the proposed revisions to the

footnotes to Table AC-403.1. These changes would make it more likely that facilities could have single user toilet rooms. The additional language is consistent with the 2015 International Plumbing Code.

Mr. Bailey noted that the Plumbing Advisory Board offered a negative recommendation based on their views of site work not the plumbing fixtures.

The members of the Board of Health discussed the importance of single user or gender neutral facilities and expressed appreciation for their proposed change. While some members expressed an interest in stronger language, all understood the constraints of working within the state-approved plumbing code. Board members also expressed appreciation for the large number of comments from the public.

Action: Ms. Mitchell moved to send the proposed revisions to the proposed changes to Article XV: Plumbing and Building Drainage to the public for comment. Dr. Shapira seconded the motion.

The motion passed unanimously.

E. Formulation of Article XXIV: Paid Sick Time

The Bureau of Food, Housing and Policy requested the Board of Health approve sending the proposed Article XXIV: Paid Sick Time to the public for comment. Otis Pitts, Deputy Director for the bureau presented the proposed regulations. He explained that many states, counties and cities have paid sick time regulations, which are designed to increase the likelihood of employees staying home when sick. He outlined the legal authority of the Board of Health for formulating such regulations and explained the mechanics of those proposed. Board members discussed provisions related threshold number of employees, enforcement as well as other aspects of the proposed regulations.

Action: Mr. Youngblood moved to send the proposed Article XXIV to the public comment. Dr. Shapira seconded the motion.

The motion passed unanimously.

6. Public Comments on Non-Agenda Items

Mr. Bogdanovich read the following statement regarding Public Comments that were submitted on Non-Agenda Items:

The Board of Health received 14 comments on non-agenda items.

There were eleven comments expressing concern regarding the recent fire at Metalico and its impact on air quality in the immediate vicinity. Of those comments, five expressed a desire for

improved notification to the public of fires and six expressed general concern about the operations of Metalico itself.

Three additional commenters expressed general concerns regarding air quality in Allegheny County. Two of these commenters called for stronger fines or enforcement of regulations.

One commenter described the work of US Steel and the importance of permanently idling coke batteries 1, 2 and 3 at the Clairton Coke Works.

7. **Adjournment**

Mr. Youngblood moved to adjourn the meeting. Mr. Ferraro seconded the adjournment.

The motion passed unanimously.

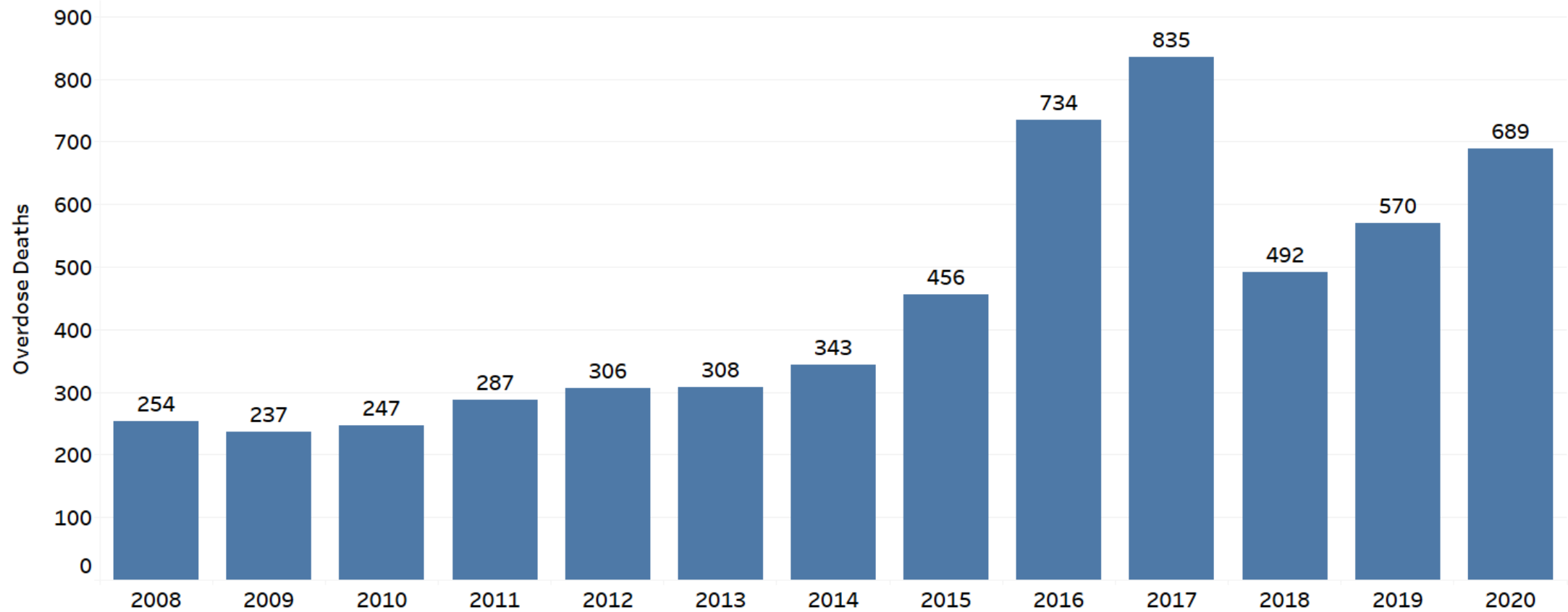
Overdose Prevention Program

14 JULY 2021

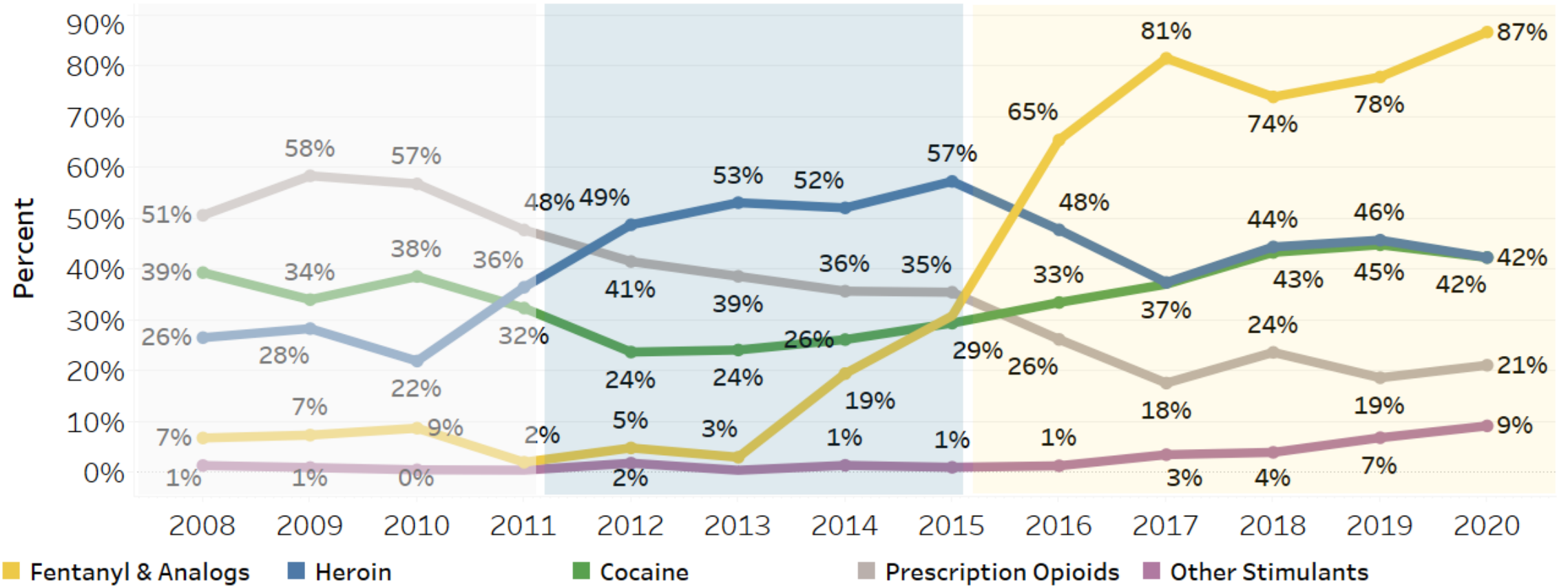
PROGRAM UPDATE



Overall Deaths 2008-2020



2008 – 2020 Overdose Substance Trends

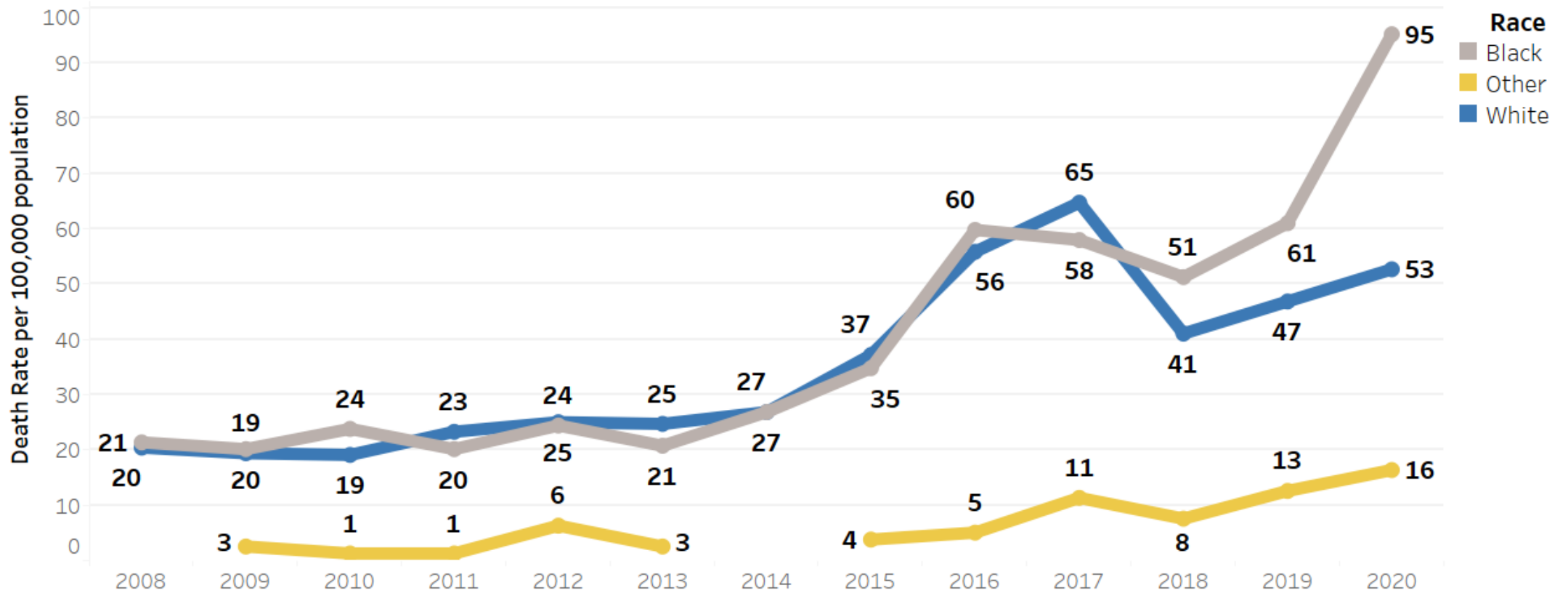


Polysubstance and stimulant expansion

- Next year of programming to include polysubstance and stimulants:
 - Expanded scope to include stimulants like methamphetamines, cocaine, and other stimulants in surveillance and prevention activities.
 - Raise awareness of fentanyl and synthetic opioids in drug supply.
 - Increase harm-reduction approaches to reduce drug-related harm countywide.

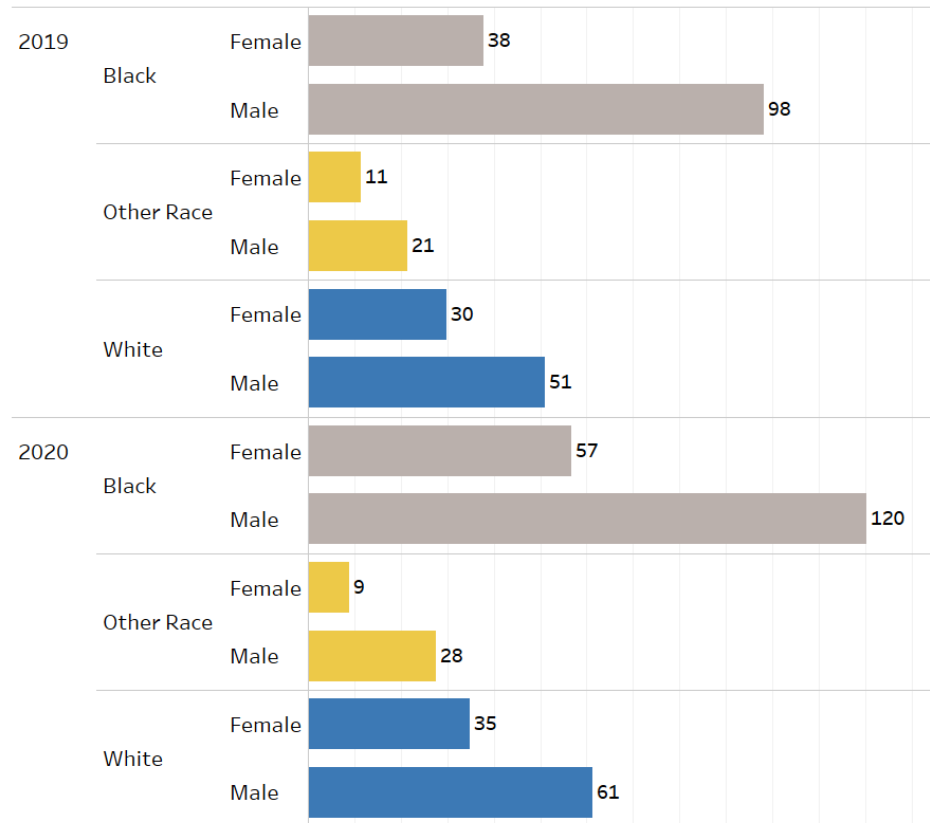


2008 – 2020 Overdose Rate Trends

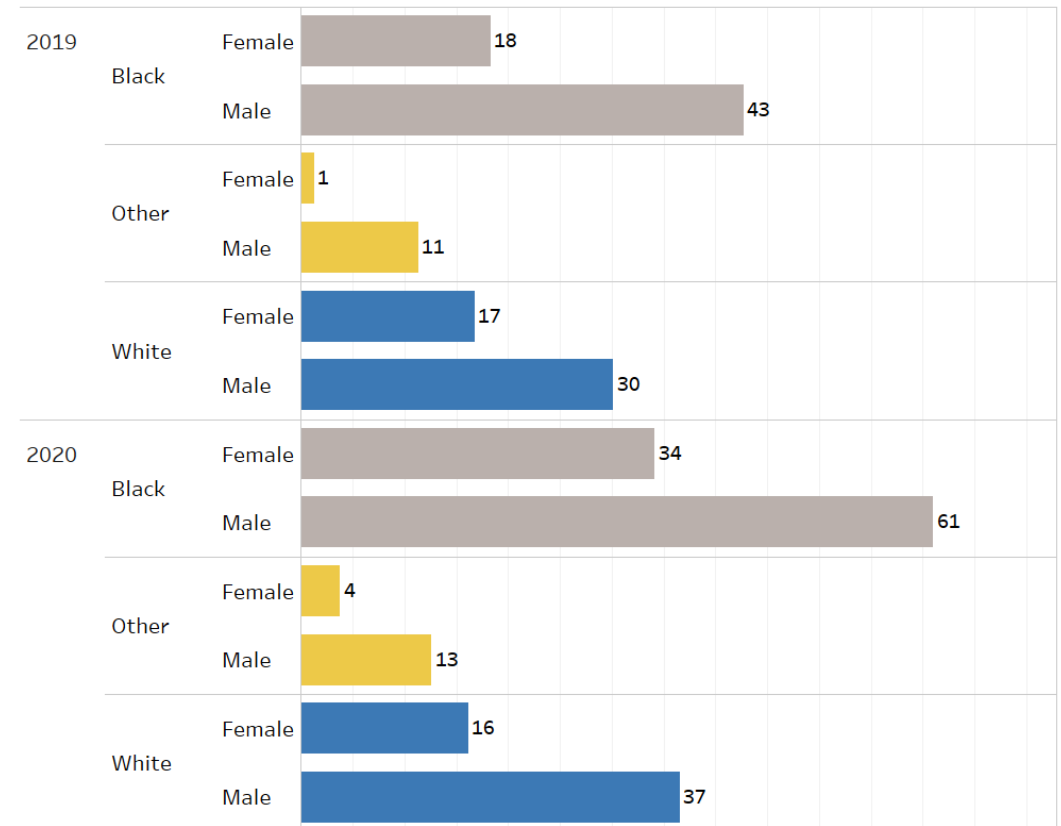


2019 vs. 2020 Demographics

ED Visit for Opioid Overdose Rates per 100,000



Overdose Death Rates per 100,000



Overdose Deaths 2019 - 2020

Allegheny County (excluding Pittsburgh)

Rank	Number of Deaths	Death Rate	Largest % Increase in Deaths 19 - 20
1	Penn Hills	Mount Oliver	Whitehall
2	McKeesport	Stowe	McKees Rocks
3	Stowe	Wall	Robinson
4	Carnegie	Leetsdale	Hampton
5	Shaler	Clairton	North Braddock

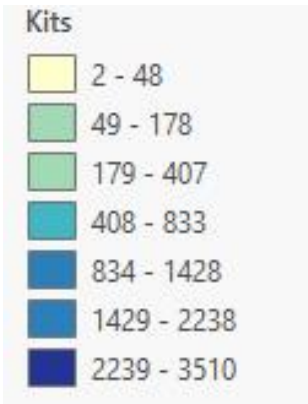
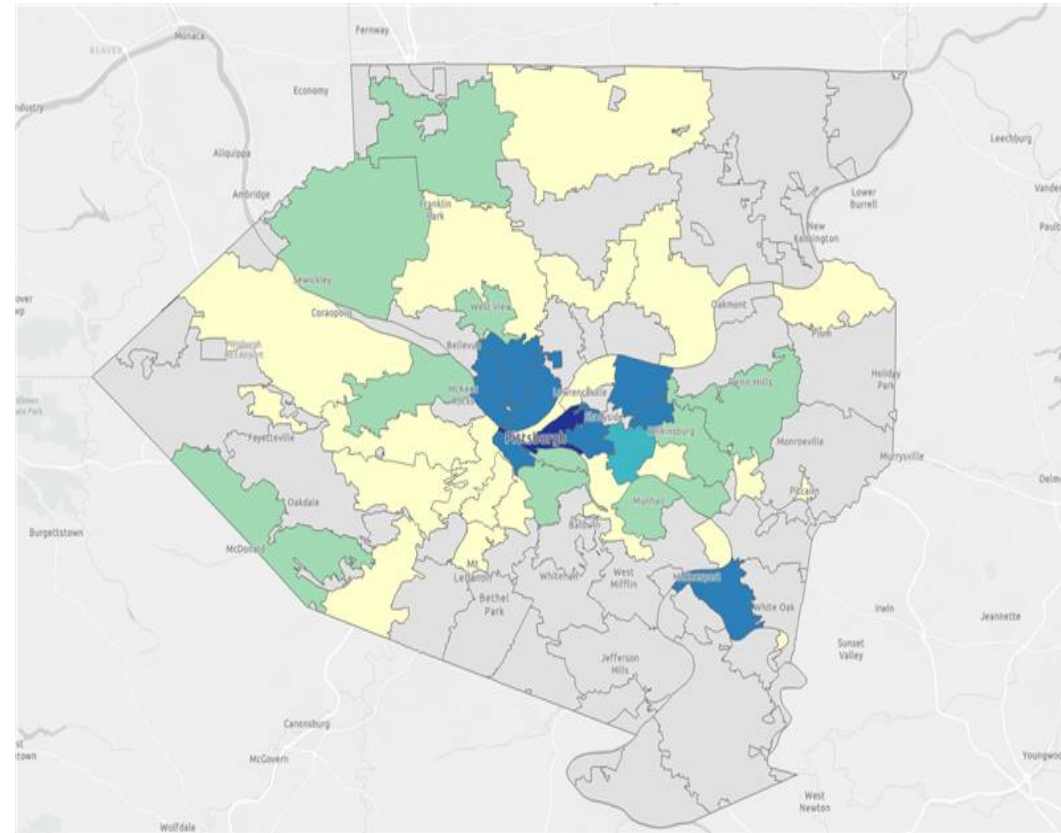
Pittsburgh

Rank	Number of Deaths	Death Rate (n>4)	Largest % Increase in Deaths 19 - 20
1	Knoxville	North Shore	Marshall-Shadeland
2	Brookline	Knoxville	Middle Hill
3	Carrick	Middle Hill	Larimer
4	Downtown	Downtown	Bloomfield
5	South Side Flats	Homewood West	Hazelwood



Naloxone distribution 2020

- Naloxone distributed to 143 different organizations
- 19,647 total Kits Distributed
 - 52% of Kits distributed to target areas identified by hot-spot analysis
 - 4,753 Kits to Treatment and Recovery Organizations
 - 1,686 Kits to non-traditional First Responders such as schools, churches, small business, and non-profits
 - 1,660 Kits to Traditional First Responders



Public Overdose Dashboard


Home | Data and Definitions | **Fatal Trends** | Fatal Details | Overdose Trends | Overdose Details

Allegheny County Fatal Overdose Trends

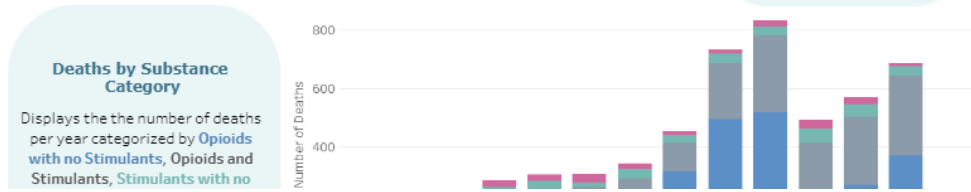
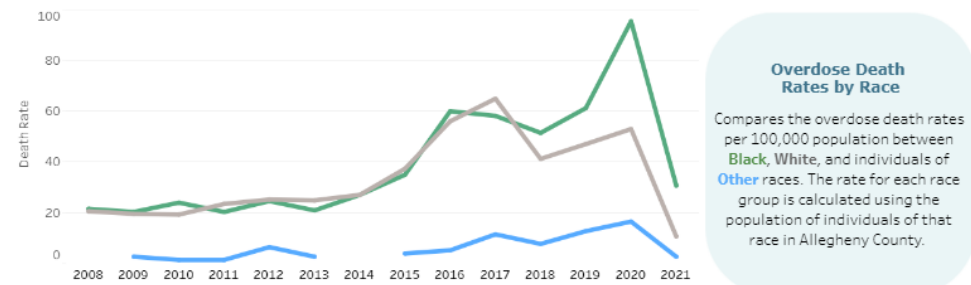
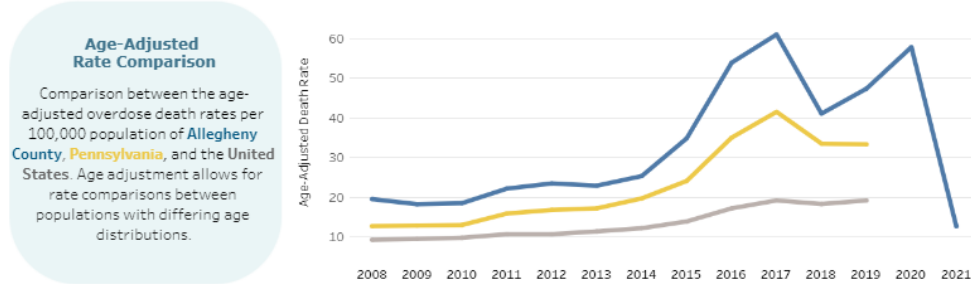
Total Deaths:
5,912
Deaths

Total Crude Death Rate:
483
Deaths per 100,000

Total Age-Adjusted Rate:
457
Deaths per 100,000



Hover over numbers and graphs for more information




Home | Data and Definitions | Fatal Trends | **Fatal Details** | Overdose Trends | Overdose Details

Allegheny County Fatal Overdose Details

Deaths:
5,912
Deaths

Dashboard Information

This dashboard section displays Demographic, Geographic, and Substance information related to fatal overdose deaths. All data displayed in the dashboard are controlled by the section titled Customize Selection.



Hover over numbers, graphs, and the map for more information

Customize Selection

Substance(s): All Substances

Year(s): (All)

Location(s): (All)

Age Group(s): (All)

Sex: (All)

Race(s): (All)

Data Refreshed: 6/11/2021 1:05:14 PM

Geographic Information

Displays the distribution of fatal overdose death locations in Allegheny County by municipality and Pittsburgh neighborhood, as well as the overall rate and race rates.

Map Location	Deaths	Death Rate (per 1,000)	Black Death Rate (per 1,000)	White Death Rate (per 1,000)	Other Death Rate (per 1,000)
Aleppo	2	1.0	0.0	1.1	0.0
Allegheny Center (Pittsburgh)	6	6.4	2.2	13.1	0.0
Allegheny West (Pittsburgh)	2	4.3	0.0	5.6	0.0
Allentown (Pittsburgh)	44	17.6	5.7	26.3	0.0
Arlington (Pittsburgh)	12	6.4	5.4	7.0	0.0
Arlington Heights (Pittsburgh)	3	12.3	9.8	43.5	0.0
Aspinwall	5	1.8	0.0	1.9	0.0

Demographic Information

Displays the overall distribution of fatal overdose deaths by race/sex and age group.

4,579

Female

898

Male

58

Other

White Black Other

Under 20: 71

20-24: 324

25-34: 1,405

35-44: 1,337

45-54: 1,368

55-64: 862

65-74: 144

75 and Older: 23

Percent of Deaths Involving Fentanyl: 48%



Overdose Education and Naloxone Distribution Program

- Since 2015, ACHD has conducted over 200 overdose education trainings and distributed over 26,000 Narcan kits.
- In 2020 and 2021, ACHD has hosted more than 130 trainings or events, distributed 8,938 kits of Narcan and trained over 3,893 people to administer Narcan.
- The Overdose Prevention Program organizes biweekly pop-ups in priority areas. The ACHD also works with EMS agencies on leave-behind naloxone programs.
- Trainings or events in 2020 and 2021 include:
 - Homewood Pop-up
 - McKeesport Community Day
 - Pittsburgh PRIDE Day 2021
 - Northside Pop-ups
 - McKees Rocks Pop-ups
 - Farmers Markets
 - Courts and Probation

** as of*
June 17, 2020



Program Update: Local Clinic Support

- Local health center partnerships aim to increase community capacity to enhance outcomes and address disparities within and across our communities.
- Squirrel Hill Health Center and Latterman Family Health Center (McKeesport).

Increase awareness of area service providers

- FQHC and local health center resources for patients with addiction.
- Outreach to local organizations, sharing that services are available regardless of insurance status.

Increase capacity of area service providers

- Squirrel Hill Health Center provides technical assistance on starting MOUD programs to other organizations, including Jefferson Hills Emergency Department.
- Latterman continues to provide x-waiver trainings for residents.

Expand case management systems

- Expand outreach and education to improve access to medication for OUD.
- Latterman MOUD Care Manager has assisted at least 157 patients (a 25% increase from Year 1).





Other Program Updates

- Subgrants and mini-grants provided to smaller organizations over the next two years. Grants target priority populations and areas:
 - Ukombozi/Liberations to distribute Narcan in Homewood.
 - Focus on Renewal in McKees Rocks to increase awareness of overdose prevention and resources.
 - Reimagine Reentry, a program of Operation Better Block, to provide intensive case management to returning citizens.
- Prevention Point Pittsburgh continues to expand access to care.
 - PPP seeing high amounts of engagement in all sites and services.
 - Contracted Nurse Practitioner through Allegheny Health Network works alongside van sites of PPP and provides access to higher levels of care.
- Communications Campaign
 - ACHD has contracted with Luceo Images to develop messaging for a communications campaign centered on harm reduction, stigma reduction and raising awareness of fentanyl in the drug supply. Campaign will be informed by real experiences and people in Allegheny County.





Director's UPDATE

Board of Health Meeting

July 14, 2021

Debra L. Bogen, M.D.

Director, Allegheny County Health Department





OUTLINE

- COVID-19 Allegheny County - past & present
- Vaccination data & planning
- Fall Planning
- Bureau updates
 - Environmental Health
 - Community and Family Health
 - Food, Housing and Policy
 - Data, Reporting and Disease Control
 - Administration
 - Clinical Services
 - Public Health Laboratory



COVID-19 in ALLEGHENY COUNTY



OVERALL

Cases: 102,059	Individuals Tested: 584,421	Positivity (PCR): 6.5%	Hospitalizations: 7,278	Deaths: 1,983
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7-DAY MOVING AVERAGE

Cases: 14	Individuals Tested: 1,229	Positivity (PCR): 1.1%	Hospitalizations: 1	Deaths: 0
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<https://www.alleghenycounty.us/Health-Department/Resources/COVID-19/COVID-19-Dashboards.aspx>

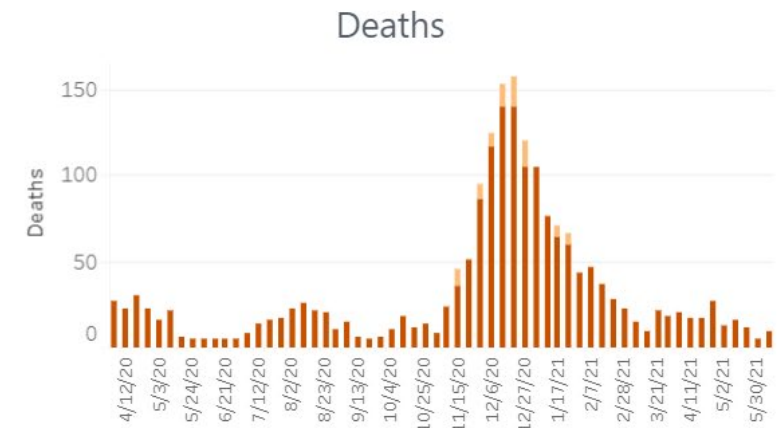
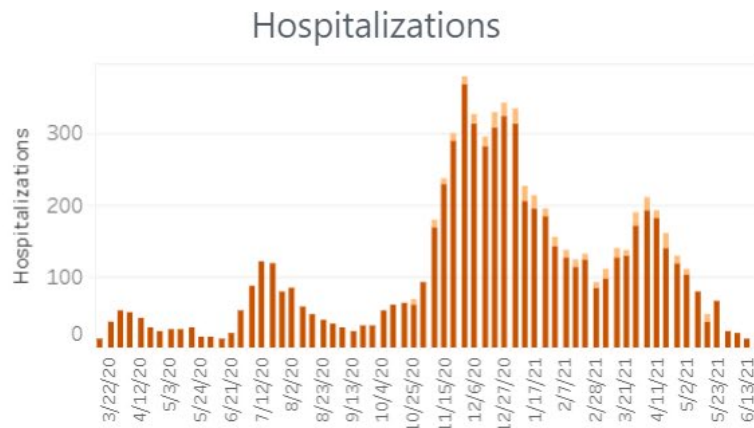
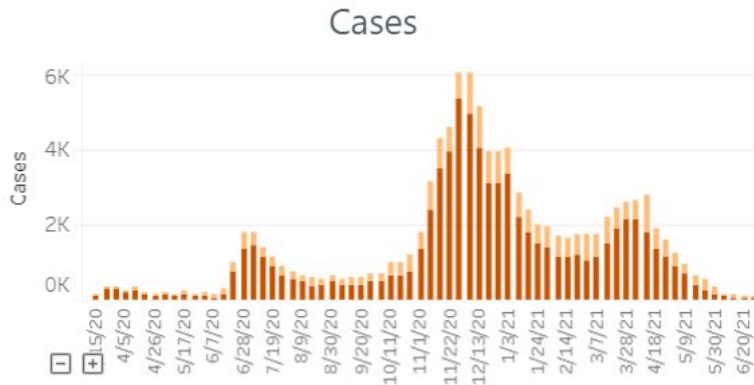


Time Period
All

WEEKLY DATA AND TRENDS

Case Data
Probable Confirmed

Test Data
Individuals Tested Positivity (PCR)



Last Updated:
7/12/2021 3:29:00 PM



Updated on 7/12/2021

Page Navigation

Demographics

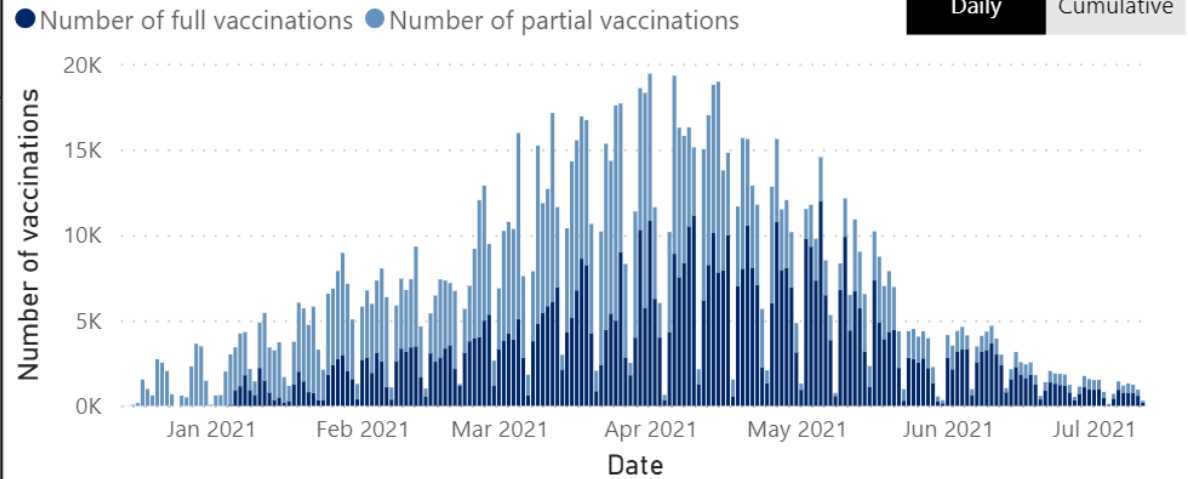


COVID-19 Vaccine Dashboard

Vaccinations Administered

County/State	Allegheny
Vaccinations Administered	
Partial vaccinations administered	683,383
Full vaccinations administered	660,441
Total vaccinations administered	1,343,824

Number of Vaccinations Administered, by Date



Allegheny County as of July 12, 2021
 66.1% at least partially vaccinated
 60.4% fully vaccinated
 Varies by age group and race



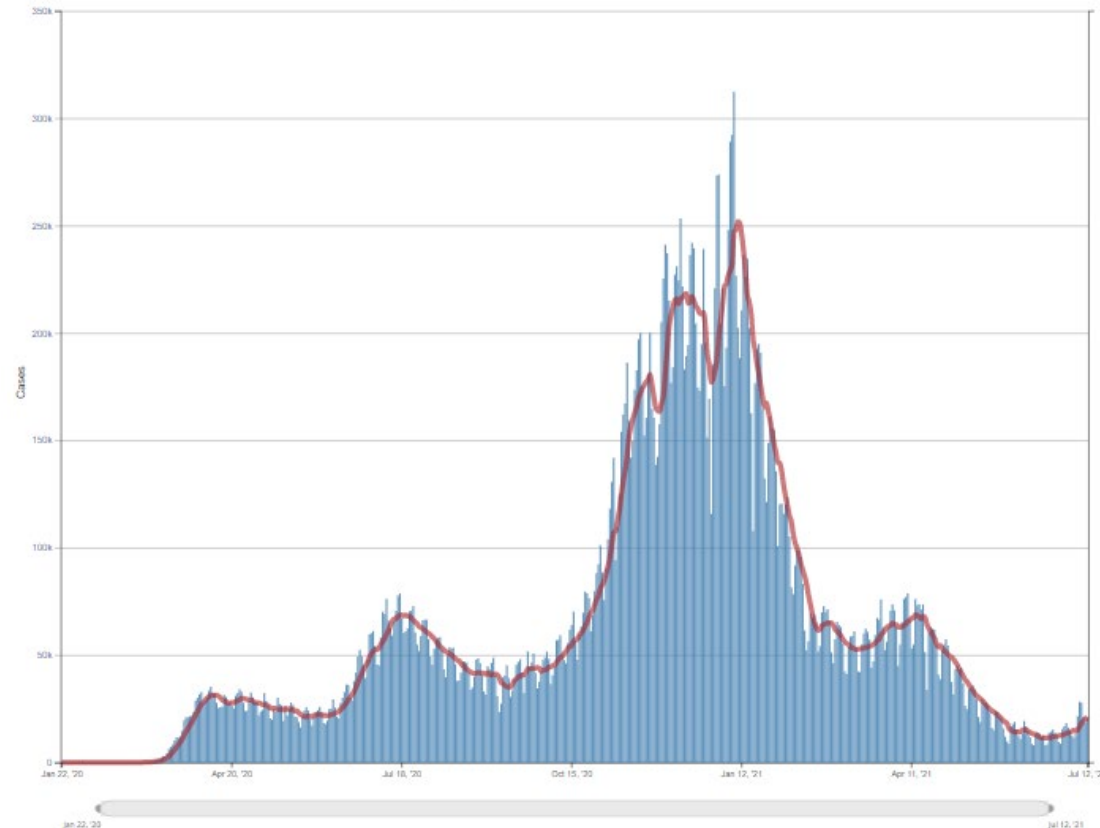
Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory

Reported to the CDC by State or Territory; Maps, charts, and data provided by CDC, updates Mon-Sat by 8 pm ET[†]

Select a state or territory: View(left axis): Show: 7-Day moving average View(right axis):

Blue bars show daily cases. The red line is the sum of cases over the last 7 days, divided by 7. Averages are used to reduce reporting differences.

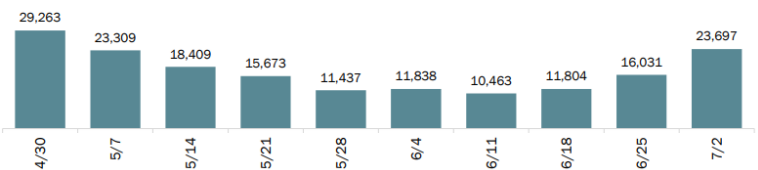
Daily Trends in Number of COVID-19 Cases in the United States Reported to CDC



CDC U.S. trends

- Slight increase in cases
- Some states more than others - e.g. FL

New cases for the past 10 weeks



https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases



Delta Variant

- Increasingly present in U.S.
- More easily spread (contagious)
- Can be more severe - hospitalizations
- Has been present in AC for a few months and cases still low - benefit of vaccinations



Ongoing COVID Planning

- Follow case/vaccine data closely - including variants
- Monitor vaccine effectiveness and need for boosters
- Continue to ensure vaccine access and build confidence
- Expand access to testing
 - Ideally low-cost, accurate, rapid tests
 - Consider flu, RSV, other resp pathogens
- Provide support to schools/childcare programs



Bureau Update



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Environmental Health To Be Hired

- Departure of Jim Kelly mid-June
- Patrick Dowd (air) and Kim Joyce (plumbing/waste) overseeing operations
- Job posted for new Deputy
- Continuing to advance regulation updates



Community and Family Health

Rod Harris, PhD

Chronic Disease Prevention

- Proposal submitted: *Closing the Gap with SDoH Health Accelerator Plans: Wellness for All: LGBTQ+ Live Well Allegheny Leadership Team*
- Hired Asthma PM: James Weeden, PhD

Office Violence Prevention

- Concluded 18-month Heinz Endowments grant
- New 12-month Heinz Endowment grant
 - Support CHP's community-placed mentors
 - OVP Coordinator



Administration

Kim Joyce, MBA

- Human Resource Manager - Chris Cavendish
 - Hiring influx-combination of contractors transitioning to grant-funded county positions and turnover
- Finance Manager - Keith Horner
 - preparing 2022 submission operating fund budget
- Training and QI - Annie Nagy
 - Workforce development plans in process
 - Culture of Quality & Staff satisfaction survey
- IT continuing assess internal systems
 - looking to revamp and develop other systems (e.g. Plan Review process in Food)



Data, Reporting & Disease Control

LuAnn Brink, PhD

- PHIF: *Improving Data Communication at ACHD*
 - Hire consultant to develop robust and effective report and data dissemination plan (out for bid now)
- Community Health Assessment Supplement Survey
 - 1800 responses - would like more
- Continuing with COVID data analysis and presentation
- Continuing to meet with community groups
- All other work ongoing -
 - Tick-borne diseases: Lyme, anaplasmosis
 - Food borne outbreaks
 - Chronic and infectious disease epi



Food Safety, Housing and Policy

Otis Pitts, JD, MPH

- Formerly Bureau of Public Policy & Community Relation
- Staff Updates
 - Jason Willis, JD - Solicitor
 - Katherine Sutherland, MPP - Overdose Prevention PM
 - Maura Jacob, MPH, MSW - Policy Specialist
- ACHD's 20th year of Raccoon Oral Rabies Vaccine Baiting (Aug 2-6, 2021)
- Overdose Prevention Program - “pop-up” naloxone distribution events throughout summer in high-risk communities



Clinical Services To Be Hired

- New Bureau
- STD, TB, Immunization Dental
- Emergency Preparedness



Public Health Laboratory

Robert Wadowsky, ScD

- ELC grant *Strengthening US Response to Resistant Gonorrhea*
 - Joint project: STD, Epi, ACHD and State Labs
 - Total Award: \$479,437; ACHD Award: \$345,093
- Submitted ELC Expansion grant proposal for
 - SARS CoV2 Wastewater Testing (Request: \$72,821)
 - SARS CoV2 Nucleic Acid Sequencing studies, extend testing hours and positions, and LIMs Support (Request: \$6,844,761)
- Submitted requests for licensing changes for COVID antigen testing at ID and TB program sites
- Pilot COVID antigen testing in schools (trained school nurses, inspected testing sites, developed logistics for testing in 3 school districts (collaboration with Epi))



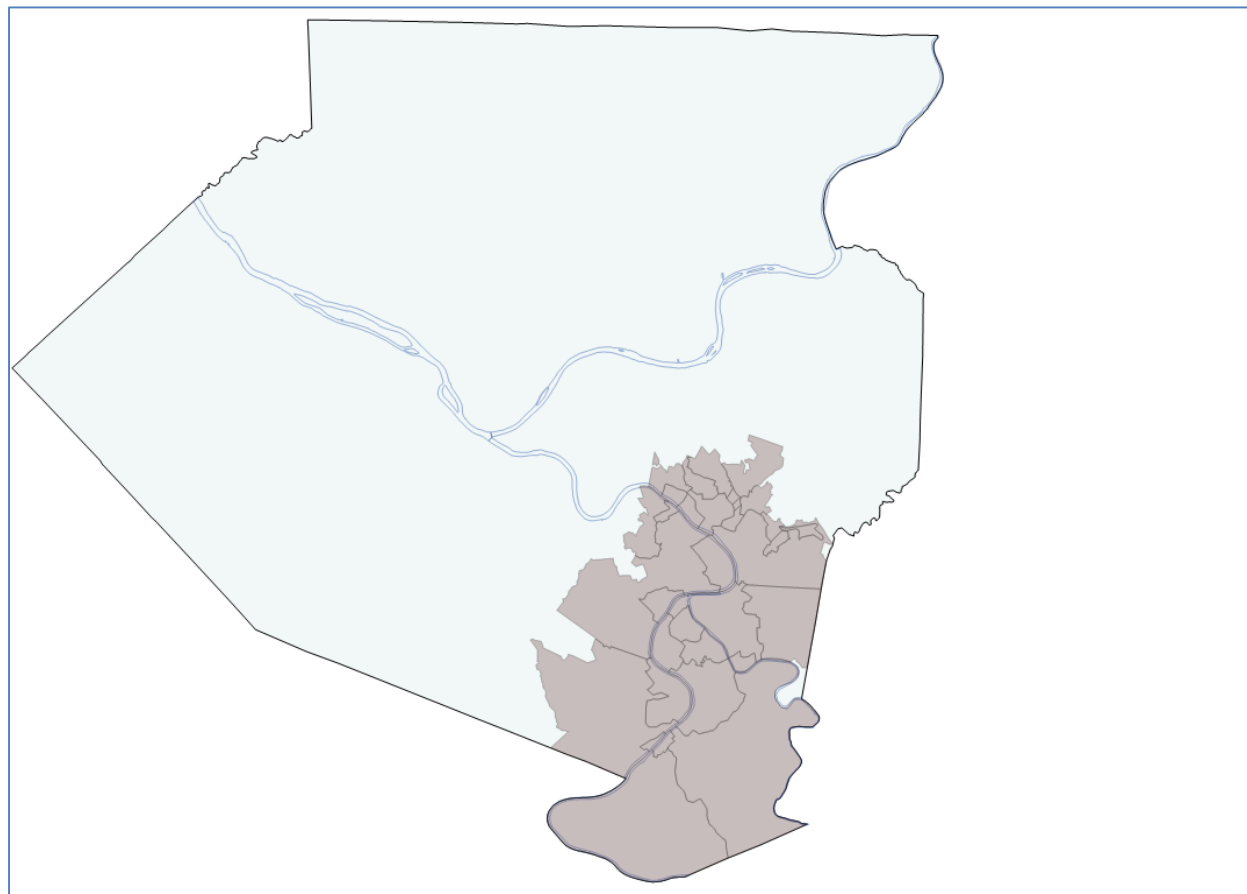
THANKS - THANKS - THANKS

Allegheny County Health Department





Mon Valley Air Pollution Episode Regulation



Board of Health July 14, 2021



General

- ACHD is adding a new regulation to Article XXI.
- Section 2106.06, “Mon Valley Air Pollution Episode”
- Aimed at emission mitigation for industry operating in the portion of Allegheny County known as the “Mon Valley.”
- Applicable during temperature “inversions.”



Air Inversions in Allegheny County

- Allegheny County has experienced strong and lengthy temperature inversions.
- Normally, the temperature of the ambient air decreases the further a parcel of air is from the ground.
- So, pollutant emissions that are released at the ground, which are warmer than the surrounding air, rise high enough to be outside the sphere of air from which humans draw their breath.



Air Inversions (continued)

- Under the conditions of a temperature inversion, however, the profile is inverted, and the temperature of the air increases with distance from the ground.
- So, pollutant emissions that are released at the ground, are again warm, but not warmer than the surrounding air, so these emissions do not tend to rise and do not move high enough to be outside the sphere of air from which humans draw their breath.
- Such pollutants can accumulate and reach concentrations that come close to or even exceed the health standards.



Air Pollution Episodes

- When the concentration of a pollutant, in this case fine particulate matter, PM_{2.5}, reaches levels higher than the NAAQS during weather produced temperature inversions, that can be called an “Air Pollution Episode.”
- In Allegheny County, ACHD has been concerned with such episodes where the recorded exceedances of the 24-hour PM_{2.5} standard occur at the Liberty monitor.



Addressing Mon Valley Episodes

- The proposed new regulation being presented to the Board of Health today addresses air pollution episodes in the Mon Valley with regards to fine particulate matter, PM_{2.5}.



New Article XXI Section 2106.06

The proposed rulemaking would revise Article XXI to by adding new Section 2106.06, “Mon Valley Air Pollution Episode Regulation.” This new section will apply 22 Mon Valley Community and within them to:

- All major and synthetic minor sources of PM2.5
- All sources with PM2.5 emissions of 6.5 tons or more per year.
- All sources with PM10 emissions of 10 tons or more per year



Air Quality Forecasts

- The Air Quality Forecasts will come from the PA Department of Environmental Protection



New Section 2106.06 - Watch

- Under the new episode regulation, a “Watch” will be “called” when the air quality forecast predicts that for the next 24-hour period atmospheric conditions will exist where the concentration of PM_{2.5} could build to a level that exceeds the health standard in any portion of the Mon Valley.



New Section 2106.06 - Warning

- A “Warning” will be called when the concentration of PM_{2.5}, during a rolling 24-hour period, exceeds the health standard in any portion of the Mon Valley.



Mitigation Plans

- Applicable air pollution sources will be required to submit “Mitigation Plans” to ACHD outlining steps they will take during the Watch and Warning Phases to alleviate both conditions.
- ACHD will review and approve the submitted plans.
- The plans are to be submitted within 90 days after the proposed regulation becomes effective.



Notifications

- When a Mon Valley Air Pollution Watch or Warning is issued, ACHD will notify:
- All the sources subject to the regulation that they are required to implement the approved plan.
- All municipalities in the Mon Valley as detailed in the regulation.
- The general public via the ACHD webpage, media and other methods.



Episode Termination

- ACHD will terminate the episode when the Watch or Warning conditions no longer exist.
- ACHD will issue a termination notification to all those originally notified of the Watch and/or Warning.



Conclusion

- ACHD believes the addition of new Section 2106.06, Mon Valley Air Pollution Episode, will safeguard the health and well being of the residents of the Mon Valley.
- Today ACHD seeks the Board's approval of this proposed regulation change.

Commenter Groups

Group 1

Aaron Birdy
Allison Tobey
Alyssa Decarlucci
Alyssa Mathews
Alyssa Mathews
Amanda Noel
Amanda Opalko
Amy Chapman
Andrew Broderick
Andrew Dinkelaker
Andrew Grossmann
Andrew Littell
Andrew Sword
Ann Schmitz
Anon Anon
Ansley Kime
Anthony Everitt
Anthony Levin-
Decanini
Arlene Wolk
Art Donsky
Audrey Russo
Barb Pace
Barbara Devine
Barbara Murock
Benjamin Tu
Beverly Walker
Bill Boichel
Billy Pepmeyer
Boaz Frankel
Bob Roach
Brad Rea
Brian Macwhinney
Brian Macwhinney
Brooke Allen
Calvin Lester
Carly Otte
Carol Slomski
Carol Thompson
Carolyn Luck
Casey Knapp
Cassandra Lieb
Cassidy Gruber

Chelsea
Zimlinghaus
Cheryl Pinto
Clare Stephenson
Cole Lea
Colleen Marshall
Dana Blitstein
Dave Bindewald
David Lesser
Dawn Predmore
Debbie Mckenney
Deborah Balas
Deborah Hvozdk
Deborah Polk
Debra Smit
Dee Oshry
Delores
Johnsonhuber
Delphine Brown
Denise Kiss
Dennis Erickson
Diane Carper
Diane Kokowski
Don Hawkins
Donna Buck
Dorian Scott
Dorian Scott
Doug Blair
Elaine Taylor
Elaine Weissberg
Elizabeth Bush
Elizabeth Deasy
Elizabeth Edelstein
Elizabeth Goldberg
Elizabeth Sehwartz
Elizabeth Stewart
Ella Moravec
Emily Barton
Emily Booth
Emily Vaden
Eric Marchbein
Esther Kim
Eugene Mariani
Evelyn Och
Fran Harkins
Gail Harper
Greg Flood
Gregory Hancockk

Gretchen Mendoza
Hal Chu
Heather Massie
Heidi Bobick
Heidi Hooper
Helen Bauer
Henry Lefler
Holly Weiss
Holly Weiss
Irina Peris
Jacob Sharick
Jacqueline Richey
Jaime Filipek
James Allen
James Sarlo
James Stoner
Janice Peischl
Jason Hochreiter
Jean Thomas
Jeb Jungwirth
Jeff Bair
Jeff Scott
Jennifer Orchard
Jennifer Tober
John Bartels
Jolene Zywica
Jonathan Eberle
Joseph Marchesani
Josh Rudkin
Joyce Light
Judy Grumet
Judy Yanowitz
Julia Rosedale
Karen And Tim
March
Karen Antonelli
Karen Hager
Katharine Fein
Kathleen Krebs
Kathleen Nicholas
Kathryn Albers
Kayley Morrow
Kelsey Small
Ken Haber
Kenneth Spruill
Kevin Sheen
Kim Payne
Kimberly O'donnell

Kipp Dawson
Kristen Sobel
Kristi Howard
Laura Horowitz
Lauren Prastien
Laurene Kasper
Lenard Baldy
Lisa Craine
Lisa Holman
Lisa Roberts
Lori Matlak
Louisa Michaels
Lucille Williams
Lynda Coslov
Maggie Ginter-
Frankovitch
Marcus Faber
Margaret Olisky
Margaret Olisky
Margaret
Stephenson
Mark Fotheringham
Mark Mcgrosky
Marsha Ashbaugh
Mary Denison
Mary Edwards
Mary Haralam
Mary Jo Knox
Marylyn Baker
Matt Sporer
Melissa Ferraro
Michael Siatkosky
Michele Ferrier
Michelle Gresse
Michelle Serbin
Nancy Latimer
Nancy Lutz
Nandita
Mukhopadhyay
Natalie Marshall
Nathanael
Sandstrom
Nikki Adkins
Nina Hamilton
Noam Gilboa
Oscar Swan
Pam Trbojevic
Patricia Harris

Peggy Heminger
Pinchas Rosenberg
Rachel Myers
Rebecca Watson
Regina Brooks
Renee Edwards
Richard Geiger
Richard Headley
Rita Canton
Robert Gibb
Rose Flowers
Ryan Beatty
Sam Arnold
Samuel Greenberg
Sandra Agnew
Sandra Fisher
Sandra Gibbs
Sarah Blache
Sarah Forster
Sarah Grill
Sarah Hancock
Sarah Stulga
Sarah Wuenschel
Sheri Deorio
Stella Bell
Stephanie Carper
Stephanie Ulmer
Stephen Christian-
Michaels
Stephen Nesbitt
Sue Bialostosky
Sue Scheeren
Watchko
Susan Ferraro
Susan Holm
Susan Mejalli
Susan Richter
Suzanna Gribble
Terri Fantaske
Theodore Muller
Thomas Kavanaugh
Timothy Libert
Tracey Myers
Tracy Davis
Valerie Miller
Virginia Marchetti
Whitney Fink
Yael Silk

Zelda Curtiss
Group 2
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Viswanathan
Abigail Ault
Alexander Taylor
Alexandra Clerkin
Amanda B. Gillooly
Andy Homol
Anna Frantz
April Clisura
Arlene Weiner
Ashley Seemann
Barbara Litt
Benjamin Waltz
Brian Macwhinney
Carmen Esposito
Caroline Bozic-
Heckman
Charles S Keracher
Chie Togami
Chris Kilhoffer
Christine Larson
David Nguyen-
Levine
Deirdre Keller
Diana Crandall
Edward Kass
Elina Zhang
Elizabeth Schongar
Ellie Cadden
Helen Chang
Isaac Cajka
Isabelle Toomey
Iya Bolick
James Eash
Jenna E. Flohr
Jill Taylor
Joanna Haneman
Jonathan Nadle
Karey Kluesner
Kate Stjohn
Kathleen Krebs
Kathy Lawson
Kelly Horvath
Kelly Vaden
Laura Kuster

Lee M. Willard
Linda B. Jones
Lisa Holman
Maren Cooke
Margaret Laske
Maria Perica
Maria West
Mark Paliotta
Marla Ferrency
Marta Pelusi
Martha Raak
Mary Beth Wyko
Matt Peters
Nancy Eligator
Nancy Schaefer
Natalie Sweet
Nataliya Kostereva
Natisha
Washington
Nicholas Kyriazi
Nicholas Seemann
Nick Milam
Noel L Rangel
Patrick Bowman
Paul Guarino
Peri Unligil M.D.
Rachel Mackey
Rebecca Thurston
Richard Tenebaum
Richard Wilson
Rj Franchek
Robert Havrilla
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Ron Martin
Samantha Laffey
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Sarah Tiffany-
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Sara-Summer
Oliphant
Sean Moundas
Siobhan Sickels
Susan F. Holmes
Susan Lyons
Susan Peterson
Tara Steiner
Tere Bailey
Tim Crowe

Victoria Ferri
William Prince
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Al Ferrucci
Alissa Martin
Amanda Erlandson
Anthony Erlandson
Carol Thompson
Chris Squire
Constantina Hanse
Daniel Burston
Diana Ames
Diane Cicco
Diane Cicco
Diane Jernigan
Don Hawkins
Don Naragon
Gerard Rohlf
Harry Hochheiser
Jason Hochreiter
Jeanne Sheats
Jeb Jungwirth
Jessica Bellas
John Kearney
Jon Wilson
Jonathan Wirtz
Joseph German
Kathryn Stevens
Kelly Simpson-
Scupelli
Ken Zenkevich
Kenneth Bickel
Laura Horowitz
Linda Schmidt
Lindsay Fraser
Mark White
Matthew Huber
Melissa Mcswigan
Richard Headley
Roger Desy
Sandra Harkins
Sebastian Peleato
Seth Bush
Sharran And Gary
Novak
Shawn Conlon

Group 4

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Gregory Hancock
Joyce Light
Kristin Marena
Lisa Harrier
Loraine Richard
Lori Martin
Patricia Telesz
Robert Graham
Susan Shaffer
Wesley Dixon

William Peduto,
Mayor Of
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Marita Garrett,
Mayor Of
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Summer Lee, State
Representative,
District 34

Heth Turnquist,
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Corey O'connor,
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Council, District 5

Deborah Gross,
Pittsburgh City
Council, District 7

Erika Strassberger,
Pittsburgh City
Council, District 8

Christin Allen,
Sewickley Borough
Council

Group 5

Bethany Hallam,
Allegheny County
Council, At-Large

Anita Prizio,
Allegheny County
Council, District 3

Olivia Bennett,
Allegheny County
Council, District 13

Emily Marburger,
Mayor Of Bellevue

Melanie Hughes-
Holcomb, Mayor Of
Ben Avon

Chardae Jones,
Mayor Of Braddock

Nickole Nesby,
Mayor Of
Duquesne

Frank Porco, Mayor
Of Forest Hills

Jodi Cerminara,
Bellevue Borough
Council

Jillian Edmondson,
Bellevue Borough
Council

Jeff Stuncard,
Bellevue Borough
Council

Kara Roggenkamp,
Ben Avon Borough
Council

Kate Abel, Dormont
Borough Council

Daniel Lenz,
Emsworth Borough
Council

Jiang Li, Franklin
Park Borough
Council

Charles Dizard,
Harrison Twp.
Commissioner

Brittany Reno,
Sharpsburg
Borough Council
President

Michael Boyd,
Wilks Twp.
Commissioner

Sylvia Martinelli,
Wilks Twp.
Commissioner

MON VALLEY EPISODE RULE COMMENT/RESPONSE

	Name	Comment	Response
		Support of regulation	
1	Group 2	Please do all that you can to ensure that residents in the Mon Valley area are protected from industrial air pollution during periods of inclement weather expected to impact public health.	Thank you for your comment.
2	Matthew Mehalik, Ph.D., Breathe Project	It is clear that our county's air pollution regulations, inspections, and enforcement all need to become more robust, strident, and effective. For these reasons the Breathe Project encourages ACHD to maximize its efforts to protect the health of Mon Valley and Allegheny County residents by finalizing moving forward with these episodic regulations with suggestions to strengthen them.	Thank you for your comment.
3	Ned Mulcahy, GASP	In January of 2020, ACHD announced it would propose a new air quality regulation sometime in 2020 aimed at emission mitigation requirements for industry operating in the county during weather related pollution episodes. Considering all that has happened in the last year, we just want ACHD and the staff to know we appreciate their efforts and getting the regulation based on that promise. Eighteen months is a very good turn around time in any circumstance.	Thank you for your comment.
4	GASP, David Bertenthal, Kate St. John	As for the regulation itself, [we are] largely in support of its approach and aims.	Thank you for your comment.
5	Group 1, Group 4, Gregory Hancock, Kim Payne Elizabeth Schongar	I am glad to see ACHD taking action to reduce pollution from Mon Valley plants, especially during days with dangerous air quality.	Thank you for your comment.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

6	Benjamin Waltz	<p>Updating and prioritizing these proposed changes to a very outdated public health system seems like an all too obvious and ultimately admirable issue for Allegheny County to tackle. This past year has showed the importance of sound public health communication, particularly when it comes to those with respiratory challenges and the immunocompromised. The ongoing problem of pollution, intertwined with environmental justice, burdening a society's most vulnerable with the indiscretions of for profit companies, cannot continue to be tacitly accepted by law makers, politicians, and public officials. Ensuring safe and breathable air quality is pivotal for a healthier populous. I hope those in charge will continue to push forward on more aggressive standards in air quality for all inhabitants with alveoli in Allegheny County.</p>	<p>Thank you for your comment.</p>
7	GASP	<p>GASP believes the proposed Mon Valley Air Pollution Episode rule is a long-overdue revision to the existing "Air Pollution Episodes" section of Article XXI. The ACHD TSD as well as Surface Temperature Inversion Analysis the Department published in 2020 establish that atmospheric inversions have been and continue to be a significant factor in exceedances of the federal, health-based NAAQS in Allegheny County. GASP therefore largely supports both the goals and approach of the Proposed Rule.</p>	<p>The existing episode regulations in Article XXI are set by federal regulation. This proposed regulation is clearly more stringent.</p>
		<p>Strengthen regulation</p>	
8	Kelly Kuzemchak	<p>Studies have shown time and time again that children who live near the facilities in our area that emit these pollutants have higher rates of asthma compared to the national average... staying in this region would put my future children at high risk for health problems if stricter regulations are not put into place or enforced.</p>	<p>Thank you for your comment - that is one of the major intents of this regulation.</p>
9	Jay Ting Walker	<p>I urge the Allegheny County, Health Department, ACHD, to strengthen its proposed Mon Valley Air Pollution Episode regulation so that they protect the health of our residents as much as possible.</p>	<p>It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

10	Group 3	<p>I urge the Allegheny County Health Department (ACHD) to strengthen its proposed “Mon Valley Air Pollution Episode” regulations so that they protect the health of our residents as much as possible.</p>	<p>The proposed new Article XXI Section 2106.06, "Mon Valley Air Pollution Episode" regulation presents a more than 10-fold strengthening of Article XXI regulations addressing air pollution levels in the Mon Valley. Prior to this proposal, the levels of air pollutants at which various stages of alert were initiated were 10 or more times the existing NAAQS. This newly proposed regulation will call for actions to be taken at one times the existing NAAQS for PM2.5. This regulation strengthens existing regulations by a factor of 10 or more when weather traps pollution close to the ground.</p>
11	GASP	<p>GASP takes the position that the Mon Valley PM2.5 threshold Level and its role in determining when pollution mitigations measures must begin in the Watch and Warning phases of proposed rule are not adequately protective of public health. GASP believes ACHD must provide a more stringent and / or additional threshold level in light of available research on the adverse health impacts associated ambient air concentrations of PM2.5 the existing Threshold would fail to address.</p>	<p>The intent of this regulation is to limit the frequency and strength of high 24-hour values. The basis for action, therefore, is based on this time limit. By looking at a "running" 24-hour value the ACHD will anticipate quicker action than using the federal standard of a midnight-to-midnight measurement.</p>
12	April Clisura	<p>It would be better if the regulations spelled out that reductions in emissions during the inversion need to be significant enough to undo the predicted exceedances. It would also be better if the warning period would begin BEFORE the level of 2.5 exceeds the Federal standard since inversions are predictable. There is also a question if these regulations will be enforceable.</p>	<p>As this is a new requirement, there will be some internal work on reviewing plans. The wide range of sizes and types of sources made it difficult to establish apriori a blueprint for reductions.</p>
13	Kathy Lawson , Andy Homol	<p>Although these changes are generally positive, they remain inadequate to fully protect the health of Mon Valley residents and reduce air pollution when weather conditions exacerbate exposure to poor air. Sorry ACHD - you could do more!!</p>	<p>This regulation is only part of an overall strategy to control PM2.5 levels in the affected areas.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

14	Riley Mahon	Despite the overwhelming consensus tonight that these regulations need to be stronger, we are left here with a relatively toothless regulation that, from my perspective, seems to be designed to calm people into thinking something is being done when nothing meaningful is being done.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.
		Impact area	
15	Group 3, Matt Nemeth, Breathe Project, Jonathan Eberle	These regulations should apply to particulate matter throughout the entire county and include emissions sources located throughout the county. Air pollution episodes don't just affect the Mon Valley area specified in the regulations.	PM-2.5 is affected by regional and local pollution. Currently, the only ACHD monitor that shows exceedances of the 24-HR PM-2.5 NAAQS is the Liberty monitor, which is significantly impacted by outflows of Mon Valley emissions. As such, this regulation focuses on the local sources of pollution in the Mon Valley within Allegheny County.
16	Christopher W. Hardin United States Steel Corporation	Limiting applicability to only the Mon Valley area does not take into consideration recent monitoring data that has shown exceedances of the PM2.5 limit during inversion events, e.g., a November 2020 inversion event resulted in a PM2.5 exceedance at the Avalon monitor, which is not located in the Mon Valley. By limiting to only Mon Valley sources, ACHD is leaving the potential for other future monitor exceedances in other areas within Allegheny County. U. S. Steel requests that ACHD expand the applicability of the rule to all sources of PM2.5 in Allegheny County.	In these rare occurrences, such as 11/8/2020, ACHD believes that local emission reductions would not have made a significant improvement, and that area remains well within the federal health standards. The intent of this regulation is to limit multi-day exceedances.
17	Cindy Meckel	I, too, would like to see it go all the way across the county, not just for the Mon Valley.	PM2.5 is affected by regional and local pollution. This regulation focuses on the local pollution coming from the Mon Valley within Allegheny County, in the municipalities identified in Subsection d of this regulation. ACHD could consider expanding this regulation in the future if values of any monitor outside of the Mon Valley violates the 24-hour PM2.5 NAAQS.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

18	April Clisura	<p>I also think other areas of Allegheny County should be included in this regulation. Even though there is less of a correlation between industry and PM 2.5 exceedances in Lawrenceville, for example, there is still an impact and it should be addressed.</p>	<p>PM2.5 is affected by regional and local pollution. This regulation focuses on the local pollution coming from the Mon Valley within Allegheny County, in the municipalities identified in Subsection d of this regulation. ACHD could consider expanding this regulation in the future if values of any monitor outside of the Mon Valley violates the 24-hour PM2.5 NAAQS.</p>
19	Matthew Mehalik, Ph.D., Breathe Project	<p>The regulations should expand the mitigation requirements to a larger geographic region in Allegheny County to cover the region’s second most polluting airshed, the Neville Island area, because of the frequent, documented air pollution problems that occur in that geographic sub- region. Even though the bulk of the episodes show the highest impacts at the Liberty, Braddock, and Parkway monitors, the Lawrenceville and Avalon monitors also records high levels of PM 2.5 that drives the Air Quality index for the region enough times to consider the need to revise the regulations to make them applicable to the Neville Island airshed sub-region, including during night-time inversions. The Lawrenceville monitor drove the regional AQI , based on PM 2.5, 216 days out of 1096 days (20% of the time) over the 3-year period of 2016 – 2018. Similarly, the Avalon monitor drive the AQI, based on PM 2.5, 41 days (5% of the time) over the same period. This information points to the need to expand the program to the region’s second most polluted airshed in the region.</p>	<p>PM2.5 is affected by regional and local pollution. This regulation focuses on the local pollution coming from the Mon Valley within Allegheny County, in the municipalities identified in Subsection d of this regulation. ACHD could consider expanding this regulation throughout Allegheny County if values at any monitor outside of the Mon Valley violate the 24-hour PM2.5 NAAQS.</p>
20	Christopher D. Ahlers, Clean Air Council	<p>The Department should revise the proposed regulations to account for receptors outside Allegheny County receiving pollution from sources within Allegheny County. A prominent concern involves the pending application for an installation permit for a natural gas-fired power plant for Allegheny Energy Center, in the southeast corner of the county. The Department should revise the proposed regulations to account for receptors outside the Mon Valley that would suffer from air pollution episodes resulting from pollution from sources within the Mon Valley.</p>	<p>This is beyond the scope of the proposed regulation, to protect citizens within Allegheny County.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

		Monitoring/ forecasting	
21	Jonathan Eberle	<p>Your proposed “episodic” regulations rely upon measurements from the Liberty Monitor. Unfortunately the Liberty monitor location is inadequate to protect health and the data is biased. Can the County Health Dept. scientifically prove in a peer reviewed manner that the Liberty monitor is in an “ideal” location to protect health and enforce air quality when compared to other data? Are additional monitoring sites and methods needed to accurately measure air quality in the Mon Valley? The Liberty monitor is not in an ideal location, and is physically situated behind over 40 stories of geological obstruction and elevation in relation to the Clairton Coke works.</p>	<p>The proper location of Liberty as a representative site for peak population exposure of PM concentrations in the Mon Valley has been demonstrated through many years of monitoring and meteorological and modeling studies, including most recently the PM2.5 SIP, which has been approved by the EPA and is available on the ACHD web site.</p>
22	Jonathan Eberle	<p>I implore you to provide clean air enforcement results to your constituents, by expanding the Air Quality Monitoring program with every resource necessary to competently protect the health and economy of the I implore you to region. This can be accomplished by moving the Liberty Monitor and/or adding additional monitors in Glassport and Elizabeth, by providing fence-line monitoring from known pollution sources, by providing 24/7 onsite monitoring of repeated air pollution violators and delinquents, and lastly by actualizing your jurisdiction for the first time in history to protect our regions health in a scientific manner.</p>	<p>ACHD's overall monitoring network is fully assessed every 5 years, most recently in 2020. Additionally, the network is evaluated annually, allowing for adjustments that do not interfere with the overall assessment.</p>
23	Art Thomas	<p>I think there should be more effort to control Clairton through independent testing and monitoring and let that knowledge be known to the people by way of TV, maybe even electronic science coming in town, you know, condition in air, stay home, don't go outside, you know, get under the covers or whatever. We don't have any notification of what's happening.</p>	<p>The intent of this proposed regulation is to improve upon notifications, as well as emissions reductions.</p>
24	Fred Bickerton	<p>Certified monitors need to be installed and maintained at no cost to the Health Department at previous locations, north, south, east and west of all sources to document the exposure and provide better identification as to who the polluters are.</p>	<p>This is beyond the scope of the proposed regulation, but ACHD will consider this comment upon annual review of the monitoring network.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

25	Christopher D. Ahlers, Clean Air Council	As for what constitutes the “forecast” that is the basis for the “watch,” the Department is vague. In the technical support document, the Department states that it plans to build an infrastructure to model and forecast inversion events: The Department should explain in detail what this proposed infrastructure would involve. It should discuss how this relates to any forecasts that are already performed by the Department or the Pennsylvania Department of Environmental Protection on a daily basis, and it should identify how the proposed regulations would go above and beyond what is already required.	Air pollution forecasting involves multi-level analysis that begins with accurate forecasting of the weather, then laying on air flows of pollutants and knowledge of local sources. It is also constantly improving. Including forecasting procedures in the regulation would limit ACHD's ability to take advantage of new research and more accurate forecasting by requiring repeated regulatory changes.
26	Group 3	There are questions regarding how ACHD will exercise its discretion regarding a forecast of an air pollution episode, and how this forecast differs from current air quality reporting requirements.	A Watch is the same as a forecasted Orange or Red day, as presently forecasted by the state. The Warning starts at an exceedance level and will include analysis by knowledgeable personnel on when the meteorological conditions are expected to "break."
27	Jay Ting Walker	There are questions regarding how ACHD will exercise its discretion regarding a forecast of an air pollution episode and how this forecast occurs from current air quality reporting requirement.	A Watch is the same as a forecasted Orange or Red day, as presently forecasted by the state. The Warning starts at an exceedance level and will include analysis by knowledgeable personnel on when the meteorological conditions are expected to "break."

MON VALLEY EPISODE RULE COMMENT/RESPONSE

28	Angela M. Kilbert, PennFuture	<p>More information is needed on the proposed forecasting of inversion events and on the mechanism for notification. The Department has not provided information on the proposed forecasting of inversions events sufficient for the public to meaningfully comment on this critical aspect of the proposed rule. In the proposed rule, the Department provides that it will rely on the air quality forecast provided by the Pennsylvania Department of Environmental Protection for determining Mon Valley Air Pollution Episodes. Proposed Revision, Article XXI § 2106.06(b). However, the Director of the Department “may approve a change in the air quality forecast provider or methodology.” Id. The Department notes that it “plans to build an infrastructure to model and forecast inversion events as a necessary component for effective regulation implementation.” Technical Support Document at 1. “The enhanced meteorological forecasting is expected to be accompanied by additional public notifications.” Id. The forecast of an inversion event is a vital component of the process required to trigger a Watch and a Warning. Without more information on the proposed new forecasting model, the public is not able to provide informed comment on the air pollution episode rule that is dependent on meteorological forecasting.</p>	<p>Air pollution forecasting involves multi-level analysis that begins with accurate forecasting of the weather, then laying on air flows of pollutants and knowledge of local sources. It is also constantly improving. Including forecasting procedures in the regulation would limit ACHD's ability to take advantage of new research and more accurate forecasting by requiring repeated regulatory changes.</p>
29	Christopher D. Ahlers, Clean Air Council	<p>The Department should clarify how the proposed Watch and Warning procedures would be different From the reporting of Orange Days Under the Air Quality Index, already required under existing regulations. When the Department proposes to create a “warning” where there is an exceedance of the daily standard of 35 micrograms per cubic meter, it is merely affixing another label to the reporting of an orange day.</p>	<p>The procedures to call a Watch are the same as a forecasted Orange day. The only difference is that the Watch will require action by the source. Both require restrictions on backyard burning. The Warning is more involved, using actual monitored PM2.5 values.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

30	<p>Myron Arnowitt Clean Water Action</p>	<p>One of the key issues with the rule is that monitors must register a 24 hour exceedance of the PM2.5 standard in order for the Warning phase requirements to be effective. While we appreciate that using a rolling 24 hour average will assist in facilitating a timely Warning during a pollution episode, there is a need for a shorter time period trigger, especially at the beginning of an episode. While there is no regulatory standard for shorter exposure to PM2.5, EPA has noted that there is a strong correlation between short term PM2.5 values and 24 hour averages. This correlation could be used to effectively trigger the warning phase after a period of time shorter than 24 hours. Using a shorter term average for moving to the Warning phase has advantages both for getting industries to reduce emissions earlier in the pollution episode, making it more likely that ambient air quality could be improved. In addition, it could result in earlier warning to the public about dangerous air quality, helping to reduce their exposure to dangerous levels of air pollutants.</p>	<p>The ACHD will continue to evaluate data to determine whether a shorter term level could predict a 24-hour exceedance, and, if useful, may modify the regulation in the future.</p>
31	<p>Ned Mulcahy, GASP</p>	<p>There is no clear basis for requiring that pollution reduction measures only begin if or after the 24-hour NAAQS is exceeded. In 2015, in the ozone NAAQS update, the EPA cautioned against using the AQI categories as a guide for making policy decisions on controlling emission sources, when poor air quality is forecasted. EPA stated that state, local and tribal agencies should consider whether nonvoluntary emissions or activity curtailments are necessary as opposed to a sweep of voluntary measures, for days when the AQI is forecasted to be on the lower end of the moderate category. Importantly, the moderate category for PM2.5 is 12.1 to 35.4 per cubic meter.</p>	<p>The intent of this regulation is to minimize the number and extent of 24-hour high readings that are the basis for the federal health standards.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

32	Ned Mulcahy, GASP	Even if the ACHD sticks with the NAAQS level, they should consider an additional threshold level for shorter term high levels of PM2.5. The 2019 NAAQS reviewed by EPA noted that short-term levels could pose harm. EPA dismissed any change to that methodology for calculating compliance, saying essentially that that would only occur in already mounting areas. First, as noted above -- that was not necessary. And, two, on April 24th, of this year, three hours at Liberty averaged 100 micrograms per cubic meter. That should be harms and ACHD's duty is to protect the health, safety and welfare of its citizens.	The ACHD will continue to examine shorter term limits, but at present we do not have a time length and level to add to this regulation.
Notifications			
33	Angelo Taranto, ACCAN	We also recommend that the Mon Valley Air Pollution Watch and Warning notifications go to all Allegheny County residents. Mon Valley Air Pollution travels throughout the County posing hazardous conditions to residents, particularly vulnerable residents, throughout the County.	Paragraph h.2 has been modified to state that the ACHD will notify all the municipalities identified in Subsection d, "and any other municipality that requests to be notified..."
34	Christopher W. Hardin United States Steel Corporation	Suggestions such as limiting transportation, carpooling, requesting people to work remotely if possible, could be incorporated into the notification requirements and Allegheny Alerts system.	The notification may include these and other considerations. The regulation itself will not dictate the messaging.

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35	Carol Wivell	<p>I am asking for a very simple addition to the Mon Valley Episodic Plan regarding alerts and notifications – like half a sentence-worth x2. Ideally this would have already been written into the language of the Plan in order to specify that a burn ban notification is to be communicated consistently, every episode. The messaging essentially should be: The Mon Valley air quality situation is predicted to be ESPECIALLY BAD. INDUSTRY must alter behavior accordingly with their specified approved plans, and YOU, Mr./Ms. Citizen, must also alter behavior accordingly by NOT BURNING! PLEASE USE THIS OPPORTUNITY to educate people with this Mon Valley Episodic Plan. As public understanding grows, stronger political resolve to further restrict residential wood smoke pollution should follow. Vulnerable people need such relief.</p>	<p>The notification may include these and other considerations. The regulation itself will not dictate the messaging.</p>
36	Group 1, Jonathon Eberle	<p>I also want to make sure that the public throughout Allegheny County is notified when air quality is dangerous. People should receive direct notifications when the air can make us sick, and we should make sure that schools and day cares are aware.</p>	<p>Thank you for your comment. This is an intent of this regulation. Anyone can register to receive notices directly.</p>
37	Group 2	<p>No actual reductions in pollution emissions are required during the Watch phase, a period when all signs – and ACHD officials – are pointing to a period of poor air quality.</p>	<p>The sources are required to include a plan to review their equipment for proper operations during a Watch.</p>
38	Group 2	<p>Residents deserve timely information on these events so we can make plans to mitigate our exposure to these harmful air pollutants.</p>	<p>Residents who register will receive notice of a forecasted - potential - next day high level.</p>
39	Group 4	<p>I want to make sure that the public throughout Allegheny County is notified when air quality is dangerous. People should receive direct notifications when the air can make us sick, and we should make sure that schools and day cares are aware.</p>	<p>Thank you for your comment. This is one intent of this regulation. Anyone can register to receive notices directly.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

40	Group 5 & Myron Arnowitz, Clean Water Action	<p>ACHD should provide greater specificity on its plans to notify the public of air pollution episodes. Studies have shown that pollution from the Mon Valley regularly travels throughout Allegheny County. As such, a broader geography than just the Mon Valley communities should be included. In addition to municipal governments, ACHD should also provide direct notification to school districts, state elected officials and other similar entities that can help more broadly disseminate the notifications. ACHD should also identify and use all available tools at their disposal for reaching the public, including but not limited to social media, Allegheny Alerts, direct contact with print and television media, reverse 911, etc. People with underlying health conditions are more vulnerable to poor air quality and deserve to be able to easily access the information they need to protect themselves.</p>	<p>Paragraph h.2 has been modified to state that ACHD will notify all the municipalities identified in Subsection d, "and any other municipality that requests to be notified..." Anyone may sign up for the Allegheny Alerts system for notification. Other means of notifying the public will be pursued, as available and appropriate.</p>
41	Art Thomas	<p>There's no notification, that's what really gets me. When they had the fire down there, I had to find out about it -- ... And there is no way of knowing what is being monitored down there, except going online or something. I believe that the condition of the air in Clairton should be just like or more explanation of it than Bethel Park. You can get the weather channel, you did get Bethel Park's quality count, you can get the condition of their air, the whole nine yards. And here we are, living in a war zone you might as well say and have to wait two weeks to find out what's going on. It's ridiculous....</p>	<p>The intent of this proposed regulation is to improve upon notifications, as well as emissions reductions.</p>
42	Kelly Kuzemchak	<p>Residents deserve timely information on these events so that we can make plans to mitigate our exposure to the harmful air pollutants.</p>	<p>Thank you for your comment - that is one of the major intents of this regulation.</p>
		Sources	

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43	Christopher W. Hardin United States Steel Corporation	All regional and nearby sources of PM2.5 contribute to elevated levels during extreme inversion events. ACHD should consider other broad reductions of PM2.5 other than open burning, such as reducing effects of mobile sources and other sources within and outside the county. Has ACHD attempted to work with PADEP to consider sources of PM2.5 just outside the county as well as assistance with restricting vehicles and other sources not under the purview of ACHD? If not, why not?	ACHD will continue to look at sources and solutions to its particulate issues. However, improvements that will have an immediate and direct impact will likely come from nearby primary sources of particulates.
44	Christopher W. Hardin United States Steel Corporation	U. S. Steel requests that the rule include recommending other certain voluntary actions (limit transportation, emissive activities, etc.) even if such actions are not enforceable.	The notification may include these and other considerations. The regulation itself will not dictate the messaging.
45	Christopher W. Hardin United States Steel Corporation	Given that PM2.5 is a regional pollutant, all sources of PM2.5 across Allegheny County may contribute to elevated concentrations during inversions as noted by increased PM2.5 concentrations during severe inversion events across all ACHD monitoring sites. U. S. Consider expanding applicability to all sources of PM2.5 in Allegheny County instead of only the municipalities identified in Subsection d. U. S. Steel requests that ACHD consider expanding applicability of the rule to include all major and synthetic minor sources in Allegheny County instead of only the municipalities identified in Subsection d.	PM2.5 is affected by regional and local pollution. This regulation focuses on the local pollution coming from the Mon Valley within Allegheny County, in the municipalities identified in Subsection d of this regulation. ACHD could consider expanding this regulation throughout Allegheny County if values at any monitor outside of the Mon Valley violate the 24-hour PM2.5 NAAQS.
46	Jay Ting Walker	These regulations should apply to particulate matter throughout the entire county, and include emission sources outside the area as well. Air pollution episodes don't just affect the Mon Valley area specified in the regulations.	Previous monitoring and modeling have demonstrated that the high levels of PM2.5 are within the communities included in this plan.

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47	<p>Christopher D. Ahlers, Clean Air Council</p>	<p>The Department Should Revise the Proposed Regulations to Account for Sources Outside the Mon Valley. There may be sources upwind of the Mon Valley that contribute to harmful levels of fine particulates during air pollution episodes in the Mon Valley. Air inversions may contribute to air pollution episodes, but there could be an air pollution episode whether or not there is an air inversion. The Department should amend the proposed regulations to account for sources outside the Mon Valley.</p>	<p>PM2.5 is affected by regional and local pollution. This regulation focuses on the local pollution coming from the Mon Valley within Allegheny County, in the municipalities identified in Subsection d of this regulation. ACHD could consider expanding this regulation throughout Allegheny County if values at any monitor outside of the Mon Valley violate the 24-hour PM2.5 NAAQS.</p>
48	<p>Christopher W. Hardin United States Steel Corporation</p>	<p>On page 7 of the Technical Support Document, Figure 5 shows Positive Matrix Factorization (PMF) PM2.5 source factors for tri-state monitoring sites, including the Liberty monitor. The proposed rule would only impact the local industrial sources in the Mon Valley, but not other contributors of PM2.5 such as motor vehicles and sources of secondary ammonium nitrates and secondary ammonium sulfates. According to Figure 5, approximately 50% of PM2.5 consisted of motor vehicle emissions and secondary ammonium nitrates and sulfates. A “county-wide” and beyond inversion mitigation approach would have more impact than a Mon-Valley specific rule that only targets local contributions. U. S. Steel requests that ACHD collaborate with PADEP, OEPA, WVDEP and others.</p>	<p>The existing Article XXI Sections 2106.03, "Episode Criteria," and 2106.04, "Episode Actions," are directed at both "County-wide" and "Localized" air pollution incidents. The newly proposed Mon Valley Air Pollution Episode regulation can be thought of as a "localized" air pollution regulation. The intent of this regulation is to minimize the number and extent of short term high readings that are, from all evidence available, caused primarily by local source contributions.</p>
49	<p>Christopher W. Hardin United States Steel Corporation</p>	<p>PM2.5 is a regional issue and regional sources of PM2.5 contribute to elevated levels. Has ACHD discussed mitigation efforts with upwind states, as well as PADEP? Given that ACHD has stated in the PM2.5 SIP that PM2.5 is generally 60-70% comprised of “background” pollution, has ACHD considered impacts of mobile sources and reduced background PM2.5 upwind of the Mon Valley area?</p>	<p>ACHD continues to evaluate sources of air contaminants and develops possible solutions to higher values. However, short-term high values are most often related to nearby sources. In most cases, temporary minimization of local source emissions should lower the measured concentrations. This was discussed further in the Technical Support Document.</p>

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50	Scott Taylor, Protect Elizabeth Township	It is our understanding that the most recent SIP submitted to the EPA did not include the pollution data from at least one source, the Allegheny Energy Center power plant proposed to be built in Elizabeth Township. Why? We know that this application was received at ACHD in March of 2019, and that communication with the applicant about this facility dates back to at least 2015. In addition, how will the Beaver County ethane cracker plant contribute to this plan? Have those cumulative affects been analyzed for our region?	The proposed Invenergy Allegheny County Energy power plant has yet to receive its Installation and Operating Permits. This source will be subject to this proposed Article XXI regulation upon startup. The Beaver County ethane cracker plant is outside of Allegheny County and ACHD has no jurisdiction over it. ACHD did modeling of the ethane cracker plant showing minimal impacts on Allegheny County.
		Mitigation plans	
51	Matthew Mehalik, Ph.D., Breathe Project	The regulations should provide more public transparency on how the pollution mitigation plans, which emitters are required to submit, will be evaluated in terms of their predicted effectiveness at reducing PM 2.5 pollution. The current draft provides too little specificity about what emitters should prioritize in terms of mitigating their emissions during the watch and warning events in terms of predicted effectiveness. ACHD should consider the information that is provided in each facility’s permit to evaluate each facility’s sources of emissions in terms of the scale of the source of emissions and the feasibility for short-term operational changes to mitigate those sources. ACHD should consider making available to the public an assessment of the scale and feasibility of each of these plans, with proprietary information protected, but a scaled overall score in the form of a percentage, of predicted effectiveness as public information. A floor of at least a predicted 10 percent reduction during forecasted/watch events and a 20 percent reduction during warning events should be required.	Source curtailment plans shall be in writing and shall show the source of emissions, the approximate emissions rate and percentage of reductions to be achieved upon implementation, the time necessary after notification to implement the plan, and a brief description of the manner in which reductions will be achieved at the respective Stages of Levels of an air pollution episode.

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52	Matthew Mehalik, Ph.D., Breathe Project	<p>The regulations should provide more public transparency on how the mitigation plans will be evaluated as to their actual effectiveness in terms of verification of execution as well as impacts on reduction of pollution. Similarly, ACHD should specify how it will review data that it receives from polluting facilities as part of these facilities' permit requirements will be used to evaluate whether these sources deployed their plans to achieve the predicted reductions as specified in the plans. ACHD should consider providing a publicly- available score of performance in terms of predicted versus actual reductions. This score should be a percentage of actual reduction achieved as compared with the predicted reduction in the plans.</p>	<p>The plans will be required to include a reporting mechanism. Those reports will be evaluated, along with ACHD inspections, to evaluate actions and reductions.</p>
53	Group 2	<p>The Warning phase will only begin after a rolling 24-hour average level of pm2.5 exceeds the federal standard.</p>	<p>This is correct. It is sooner than the federal high 24-hour high, which is measured midnight-to-midnight only.</p>
54	Abigail Ault	<p>Just having notification is not really even enough. Staying indoors does not protect us from particulate matter. Industrial odors can be smelled strongly in homes in the area. The pollution levels need to be significantly lowered altogether. This region is not suitable for heavy industry. It is too densely populated, and the topography and weather patterns don't allow air toxins to dissipate properly.</p>	<p>The intent of this proposed regulation is to improve upon notifications, as well as emissions reductions.</p>
55	Brian MacWhinney	<p>It is great that ACHD is increasing their focus on what is clearly a basic public health crisis, particularly for the residents of the area closest to the Clairton Coke Works, along with other Mon Valley installations. Unfortunately, the proposed reductions during these periods of bad air are not yet spelled out. In fact, US Steel and other polluters need to state specifically what they will do when a poor air quality day is expected. Anything less will just be window dressing.</p>	<p>It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

56	Group 2, Group 5	While the current draft of this new rule requires companies in the Mon Valley to prepare plans for how they could reduce emissions during an episode of poor air quality, there are no minimum requirements for emission reductions. ACHD must require minimum emission reductions in order to ensure this rule can be effective in protecting public health during these hazardous air pollution episodes.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.
57	Avery Belenos	I am encouraged that the proposed amendments would require polluters to implement mitigation plans in response to episodes of high particulate matter in the air. However, I'm concerned that if the parameters of these mitigation plans are not delineated, polluting entities may be approved for plans that are little more than empty words, or that the severity of mitigation plans will be required inconsistently.	ACHD will be reviewing the proposed mitigation plans submitted by the companies when they are due. The parameters will be delineated in ACHD's response if needed.
58	Patricia Harris	It is unacceptable to allow companies to decide what pollution reductions are needed. If they cared about air quality they would have taken corrective steps already!	ACHD reserves the right to reject any company's plan if that plan is insufficient.
59	Jonathan Eberle	Who wouldn't be concerned that this new rule lets companies decide what pollution reductions are needed. I want to see ACHD enforce air pollution standards that are more stringent than EPA standards on nights and days when air quality could make people sick.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.
60	mark paliotta	I believe that once a "Warning" is issued, facilities must undertake the actions listed in the mitigation plans they filed with ACHD. The specific actions will be catered to each facility and approved on a case-by-case basis. I am a business owner and I understand industry has its purpose. However, they must be responsible and not compromise our health during the course of production.	That is the very intent of this regulation.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

61	Group 3	<p>Although I am glad to see that the county is attempting to address the serious air quality problems during air quality episodes, especially those involving temperature inversions, there are many aspects of the proposed regulations that should be improved in order to protect public health. While the proposed regulations require industry to develop plans for addressing exceedances of ACHD's threshold levels, they do not require specific control measures, but leave them up to industry to develop. In order to be effective, ACHD should include specific mandatory requirements for the US Steel facilities, which contribute the majority of emissions in the Mon Valley. This could include enhanced work practices and hot idling coke batteries.</p>	<p>ACHD reserves the right to reject any company's plan if that plan is insufficient.</p>
62	Angela M. Kilbert	<p>PennFuture welcomes the Department's efforts to strengthen the county's episodic weather regulations. However, the proposed regulations fail to provide for concrete emissions reductions and other requirements needed to protect the public health of communities in the Mon Valley during these dangerous weather inversion events. PennFuture remains concerned about the continued levels of harmful emissions from industrial polluters in the Mon Valley and believes the Department should be doing more to reduce emissions, particularly during bad weather events.</p>	<p>It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.</p>
63	Angela M. Kilbert, PennFuture	<p>The Department should provide for concrete target levels of emissions reduction during a Warning and clarify language requiring sources to implement emissions reduction measures. The proposed rule fails to require sources to meet any specific targets for emissions reductions in their Warning Mitigation Plans. It also does not designate any overall target levels for reductions designed to reasonably improve public health, safety, or welfare during an inversion event. As a result, the proposed rule gives industrial sources and the Department wide discretion in proposing and accepting emissions reductions measures.</p>	<p>It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

64	Angela M. Kilbert, PennFuture	<p>The Department should allow for public input on the Mitigation Plans. Under the proposed rule, Mon Valley Air Pollution Mitigation Plans for these facilities are reviewed and accepted by the Department without opportunity for public review or comment. The absence of public input opportunity is generally concerning, but with increased attention and outreach being promoted for environmental justice communities, the Department must do more to include these communities in the process and to ensure that additional burdens are not placed upon environmental justice communities. The impacted communities throughout the Mon Valley deserve an opportunity to weigh in on the plans for reducing emissions during inversion events.</p>	<p>It is the duty of ACHD to determine the adequacy of control plans.</p>
65	Christopher D. Ahlers, Clean Air Council	<p>The Department should provide assurances that it will exercise its discretion in favor of restrictions on emissions from U.S. Steel when the Department implements and enforces the proposed regulations. It is appropriate for the Department to improve the existing regulations for air pollution episodes, which set very lax thresholds for triggering action. In the case of fine particulates, the ambient concentration must exceed 350 ug/m³ in order for alerts to be triggered. See Article XXI, Air Pollution Control Regulations, §2106.03 (Episode Criteria) (setting triggers for alerts at concentrations between 350 ug/m³, 24-hour average and 500 ug/m³, 24-hour average). However, the proposed regulations are only so good as the Department exercises discretion in favor of reducing emissions from the three facilities of U.S. Steel -- by far the largest emitter of fine particulates in the Mon Valley.</p>	<p>The sources in Allegheny County already have controls and limits to meet federal health standards. This regulation is to determine additional limits and actions that could be taken during unusually high short-term events over multiple days. Sources are required to inspect all their equipment for proper operation during a watch, which is a prediction of only a possible high day. The existing episode criteria in Article XXI are delineated by federal rule. This regulation is clearly more stringent than the federal episode requirements.</p>
66	Christopher D. Ahlers, Clean Air Council	<p>The Department should clarify how far it believes the settlement agreement extends, and whether it believes that it applies to virtually any action of the Department with respect to air emissions from the three facilities of U.S. Steel.</p>	<p>This regulation is not restricted by the 2019 settlement.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

67	Christopher D. Ahlers, Clean Air Council	<p>Rather than merely assert its discretion, the Department should revise the proposed regulations to include mandatory requirements for the three U.S. Steel facilities. There can be no dispute whose emissions are the main concern during air pollution episodes involving particulate matter in the Mon Valley. They are the three facilities of U.S. Steel. Based on the Air Emissions Report of the Department of Environmental Protection for the year 2019, it is not even a close question. Since this is largely a U.S. Steel problem, the Department should include mandatory requirements in the proposed regulations for the three U.S. Steel facilities. This should include enhanced work practice standards. In addition, the Department should incorporate the concept of “hot idle” into the proposed regulations.</p>	<p>Though the U. S. Steel Clairton Plant is a significant contributor to the PM2.5 levels, the plant is not the only source. Controls are needed by all the applicable sources.</p>
68	Christopher D. Ahlers, Clean Air Council	<p>The Department should go a step further by gathering additional information and evidence to support the development of additional limitations on the three U.S. Steel facilities during air pollution episodes. The Department should conduct an evaluation of how specific control measures (including “hot idle”) could reduce emissions, in what amounts, and in what periods of time. As drafted, the regulations leave too much to the discretion of U.S. Steel and the Department for this to be done in a meaningful way on a case-by-case basis.</p>	<p>ACHD continues to evaluate issues and possible improvements to the emissions at all Allegheny County sources.</p>
69	Myron Arnowitt Clean Water Action	<p>One critical area of the rule is the Pollution Mitigation Plans. While there are important suggested mitigation methods in the rule, there is no quantifiable requirement for emission reductions. ACHD must include a quantifiable required reduction in emissions in order to both make the plans effective and enforceable. CWA recommends that a minimum emission reduction of PM2.5 emissions of 5% on the first day of the episode should be included, with increases in emission reduction based on the length of the episode, and the severity of the PM2.5 levels. These minimums are critical to the overall effectiveness of the rule, and are entirely feasible for the plants in question.</p>	<p>It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

70	Fred Bickerton	The facility should be required to have significant curtailment of operations up to and including complete shutdown of operations during periods of inversion and poor air quality as measured by the certified monitors.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.
71	Ned Mulcahy	EPA's first air episode regulations were promulgated in 1971. A guidance document published at that time stated that since stagnant air masses will prevent delusion of pollution, the only feasible method for protecting society is to minimize the flow of pollutants from emitters. It appears that pollution mitigation planned required under the Mon Valley rule will accomplish that, but we would encourage ACHD to consider amending the rule to spell out more clearly the level of reduction required.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.
72	Katherine Kulanbaizel, Matt Nemeth, and Riley Mahon, David Bertenthal	The rules leave US Steel up to its own discretion as to how to limit pollution during inversions. I do appreciate what Allegheny Health Department is doing and I do thank you. However, it does seem like a half measure regulation for a corporation that has treated our air like a dumping ground for decades.	Though the U. S. Steel Clairton Plant is a significant contributor to the PM2.5 levels, the plant is not the only source. Controls are needed by all the applicable sources.
73	David Bertenthal	Is the Health Department so removed from the goings on at the [U.S. Steel Clairton] plant that they cannot specify a stringent plan of action to reduce pollution in this proposal?	Though the U. S. Steel Clairton Plant is a significant contributor to the PM2.5 levels, the plant is not the only source. Controls are needed by all the applicable sources. This regulation will require sources to determine what emissions changes can safely be made within a short time on a temporary basis.
74	Jay Ting Walker	While the proposed regulations require industry to develop plans for addressing exceedances of ACHD's threshold levels, they do not require specific control measures. They'll leave them up to industry to develop.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

75	Cheryl Hurt	We need you to put in place plans on the requirements. How will they be followed? How long will it take?	The plans will be in place until they are updated. There are instructions in the regulation for newly applicable sources and when conditions change at the plant.
76	Group 1, Group 4, Gregory Hancock, Cindy Meckel, Cheryl Hurt, Kim Meachum	I am concerned that this new rule lets companies decide what pollution reductions are needed. I want to see ACHD require at least a 5% reduction in pollution on days when air quality could make people sick. If dangerous air goes on for days, like it did last November, we should require greater pollution cuts. Companies like U.S. Steel can't be trusted to decide what's best for our health.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.
77	Jay Ting Walker	ACHD should conduct an evaluation specific control measures, that will reduce emissions by a specific amount and incorporate them as a requirement in the proposed regulations.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.
78	Jay Ting Walker	In order to be effective, ACHD should include specific mandatory requirements for the US Steel facilities, which contribute the majority of the emissions in the Mon Valley. This could include enhanced work practices and hot idling coke batteries.	It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.
		Watch and warning	
79	David Bertenthal	The language is vague when it comes to what will happen during the warning or watch days. It looks like the labels will be retroactively applied based on exceedances, whether then taking action before the highly predictable inversions occur. The way it is now, it could possibly limit a multiple day event. But it isn't what we've been asking for. It's not proactive. It doesn't require reductions during the watch phase. It's reactive. And by the time there is a warning or exceedance, we'll be swimming in foul odor. AQI can be forecasted 24 hours in advance. US Steel should be required to limit pollution during a watch phase.	The sources in Allegheny County already have controls and limits to meet the federal health standards. This regulation is to determine additional limits and actions that could be taken during unusually high short-term events over multiple days.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

80	Angela M. Kilbert, PennFuture	<p>The Department should require preventative measures to reduce emissions during the Watch phase when an inversion is forecasted. Under the proposed two-phased approach as discussed above, only the second Warning phase includes measures for facilities to reduce PM2.5 and PM10 emissions “to minimize the impact on public health, safety, or welfare.” Proposed Revision. The initial Watch phase only includes procedures to ensure the source is operating properly and air pollution control equipment is maintained in good working condition, and that the facility records and reports their actions during this time to the Department. Accordingly, the proposed rule does nothing to reduce emissions in order to prevent exceedances from happening, even when a prolonged inversion event is forecasted.</p>	<p>The sources in Allegheny County already have controls and limits to meet the federal health standards. This regulation is to determine additional limits and actions that could be taken during unusually high short-term events over multiple days. Sources are required to inspect all their equipment for proper operation during a watch, which is a prediction of only a possible high day.</p>
81	Avery Belenos	<p>Instantaneous spikes in PM should be addressed by plans rather than waiting for residents to suffer for 24 hours first. Public reporting should also be prompt so all residents, including individuals who are sensitive due to health conditions, can attempt to reduce their exposure to dangerous air pollution.”</p>	<p>Federal health standards are based on a 24-hour average. This regulation is more stringent in that it is initiated when a "running" 24-hour value is reached, rather than waiting for the federal measurement of a midnight-to-midnight reading.</p>
82	Katherine Kulanbaizel, Matt Nemeth and Riley Mahon	<p>I think that this regulation leaves the Allegheny County Health Department with too much discretion on when watch and warnings are triggered, and also on what pollution reduction plans will be accepted, because you could possibly accept the plans that are weaker.</p>	<p>The specifics as to calling a Watch or Warning are delineated in the proposed regulation. The only discretion is in the use of the best meteorological forecasts. As to the reduction plans, there will be great variability between what each source will be able to implement in a short time for a temporary basis. For that reason there will need to be some discretion.</p>
83	Kelly Kuzemchak	<p>The mitigation plans and their requirements are not exactly spelled out. No actual reductions in pollution emissions are required during the watch phase, so there's just a lot that is very vague in the language.</p>	<p>It is difficult to determine what temporary emission reductions a source can make with short notice, and what a wide range of relatively small to very large sources can do. ACHD will evaluate plans for their possible impacts.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

84	Angela M. Kilbert, PennFuture	<p>The Department should clarify the language in the proposed rule that requires sources to immediately implement the procedures and measures of the Mitigation Plans during a Watch or Warning. The proposed rule states that when a Watch or Warning is issued, “[t]he Department shall notify all sources subject to this Section to implement the procedures and measures identified in either the Mon Valley Pollution Watch or Warning Phase.” The Department should clarify and strengthen language in the proposed rule to make it clear that sources are required to immediately implement the procedures and emissions reduction measures included in their respective Mitigation Plans at the start of a Warning or Watch.</p>	<p>ACHD is clarifying 2106.06.h.1 to state: "The Department shall notify all sources subject to this Section that they are required to implement the procedures and measures identified in either the Mon Valley Air Pollution Watch or Warning Phase." The words " that they are required" have been added to clarify the section as mentioned by the commenter.</p>
85	Angela M. Kilbert PennFuture	<p>The Department should revise the definitions of Watch and Warning to prevent extended periods of exceedances before and after a Warning. a Warning is not triggered until the PM2.5 threshold level is exceeded during a rolling 24-hour averaging The Department must redraft the Warning trigger to avoid these inevitable prolonged periods of harmful exceedances. Period. A rolling 24-hour average is calculated by averaging data from the current hour and the previous 23 hours. That means that the Mon Valley could experience high levels of PM2.5 at the beginning of a bad weather event for a number of hours before the rolling 24-hour average actually exceeds the threshold to trigger a Warning. The rolling 24-hour average requirement will leave the communities of the Mon Valley vulnerable to harmful levels of PM2.5 while allowing industry to continue to churn out more air pollution unabated. This is clearly not consistent with the Department’s policy “to protect the air resources of the County by pollution prevent and pollution control to the degree necessary for the .. . [p]rotection of the health, safety and welfare of all its citizens.” Article XX, § 2101.02(a)(1). The Department must redraft the Warning trigger to avoid these inevitable prolonged periods of harmful exceedances.</p>	<p>The intent of this regulation is to ameliorate or eliminate multiple high days. A rolling 24-hour value is much tighter, and is a far earlier notice than that of the federal standard of a block, or midnight-to-midnight average.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

86	Angela M. Kilbert, PennFuture	<p>The Department similarly does not provide sufficient information on the planned mechanism for issuance of a Watch or Warning and notification under the proposed rule. The Watch and Warning phases are both triggered by the Department issuing each phase. The implementation of the Mitigation Plans is triggered by the Department notifying all sources of a Watch or Warning.. As discussed above, the issuance of a Watch or Warning are very time sensitive. However, the Department does not provide specific information on how it determines that there is a forecasted inversion event and issues a Watch or Warning, or how it plans to notify sources. These mechanisms are important components of how the proposed rule will be implemented, and they should be sufficiently explained to allow for informed public comment.</p>	<p>Air pollution forecasting involves a multi-level analysis that begins with accurate forecasting of the weather, then laying on air flows of pollutants and knowledge of local sources. It is not practical to include a forecasting procedure in a regulation, as research continues to improve accurate pollution forecasting, which would result in the need for continuous revisions to this regulation.</p>
87	Christopher W. Hardin United States Steel Corporation	<p>U. S. Steel requests that ACHD distinguish in the proposed rule that the 24-hr rolling PM2.5 average is an ACHD-only metric to be used for this rule and it is a different metric than the PM2.5 NAAQS, which is protective of public health. In addition, ACHD should identify that the Federal Equivalence Method (FEM) data is used as the Warning trigger, noting that the FEM is not the monitor that is used for attainment purposes, it is the Federal Reference Method (FRM) monitor. These clarifications are required such that the public does not think there is a violation every time a Warning Plan goes into effect.</p>	<p>For comparison to the NAAQS, the 24-hour average for PM2.5 is midnight to, but not including, midnight the next day in Local Standard Time. The ACHD agrees that a rolling 24-hour average that exceeds the NAAQS is technically not an exceedance of the NAAQS. At the Liberty site, the Federal Reference Method (FRM) monitor determines if an exceedance occurs. If the FRM monitor does not run, the Federal Equivalent Method (FEM) monitor is used to determine if an exceedance occurs.</p>
		Enforcement	
88	Jay Ting Walker	<p>It is not clear how, and to what extent ACHD would exercise its discretion to enforce compliance to proposed regulations.</p>	<p>All regulations are enforceable under ACHD Article XXI and Article XI, with its full range of remedies.</p>
89	Kim Payne	<p>Oversight should be at the county's discretion, not any producing company's.</p>	<p>ACHD reserves the right to reject any company's plan if that plan is insufficient.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

90	NaTisha Washington	<p>Citizen's (especially those living in the Mon Valley) health is under attack every day every time we have a bad air day. People should not have to suffer this summer with attacks towards their respiratory system. These communities do not have years to wait until something is done about this air pollution. We need to hold the polluters more accountable for their contribution to this issue. Do the right thing by supporting and ensuring that these communities that are underserved, low income, and mostly black and brown aren't living in harmful conditions/environments that you all are supposed to ensure is not harming us. More needs to be done and it needs to be done soon. So as happy as we are with this first step we are a far way from the change needed.</p>	<p>ACHD has proposed this regulation in an effort to support the Mon Valley communities and improve their air quality.</p>
91	Sharran and Gary Novak	<p>We also would like to see the enforcement locally and through out the state, to limit homeowners in their use of the popular fire pits and the type of fuel they use. Our neighborhood becomes unbreathable when one or more neighbors decide to light their fires outside and the smoke chocks the the air!!!</p>	<p>ACHD does not have jurisdiction outside of Allegheny County but ACHD's open burning regulations can be found in Article XXI §2105.50.</p>
92	Diana Ames	<p>The county's existing air pollution regulations are seriously inadequate and outdated. ACHD must take action to reduce air pollution generated chiefly by US Steel's Clairton Coke Works and other industries in Allegheny County, which regularly result in our air quality ranking among the worst in the country. On the days when it is predicted that atmospheric inversions will occur, and that air quality will be even more compromised, ACHD needs to require that US Steel and other sources actively curtail production by a defined percentage to achieve or face meaningful and substantial fines for failure to do so. Episodic inversions are predicted to increase in frequency due to climate change, so it is imperative that ACHD be proactive in protecting public health. Furthermore, the residents of Allegheny County must be promptly and directly warned about these unhealthy air quality events, especially where it impacts children.</p>	<p>ACHD's coke oven standards are in Article XXI §2105.21 and are more stringent than the EPA's standards. ACHD has recently proposed additional changes to this section.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

93	Christopher D. Ahlers, Clean Air Council	The Department Should Revise the Proposed Regulations to Make Clear That Sources Are Subject to Injunctive Relief and Civil Penalties for Failure to Submit or Comply With a Plan.	Sources are aware they are subject to penalties for violations of Article XXI. These are detailed in Part I of Article XXI starting with §2109.01.
94	Group 3	It is not clear how and to what extent ACHD would exercise its discretion to enforce compliance with the proposed regulations. ACHD should conduct an evaluation of specific control measures that would reduce emissions by specific amounts, and incorporate them as requirements in the proposed regulations. This is an important opportunity for protecting public health and ACHD needs to make sure we get it right.	All regulations are enforceable under ACHD Article XXI and Article XI, with a full range of remedies.
95	Fred Bickerton	Facility managers and company officers need to be held personally responsible for compliance with curtailment requirements	This is beyond the scope of the proposed regulation.
96	Fred Bickerton	Penalties for noncompliance need to be significantly higher than the outdated structure presently used. Next to noncompliance hurts, it can go away.	ACHD has a significant enforcement policy, which includes a calculation mechanism for penalties. It is only a few years old, and has been updated.
		Other	
97	Jonathan Eberle	Historically the ACHD are incompetent regarding enforcement of pollution from Mon Valley sources, especially during days with dangerous air quality. What the ACHD does do well is pretend to serve the public interest while sheltering private interests with regulatory loopholes and willful omissions of fact. The whole point of local air quality enforcements is predicated on addressing the specific needs of the local population. The ACHD clearly is not doing this and instead continually slow walks even minimal EPA enforcements, let alone responding to local pollution hazards.	All eight air quality monitors in Allegheny County meet federal air quality standards. This milestone means that the region is now in attainment with carbon monoxide, nitrogen oxide, ozone and particulate matter (PM2.5, PM10). There is still much left to be done.
98	Jonathan Eberle	If dangerous air goes on for days, like it did last November, we should have active programs that correlate emergency department visits and deaths, and hold local polluters accountable for health damages. Companies like U.S. Steel can't be trusted to decide what's best for our health.	Emergency response is beyond the scope of this regulation, but the ACHD takes this comment seriously.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

99	Martha Raak	We are guaranteed clean air by the PA state Constitution. Mitigation must occur during the Watch period. This situation has gone on for far too long.	The sources in Allegheny County already have controls and limits to meet the federal health standards. This regulation is to determine additional limits and actions that could be taken during unusually high short-term events over multiple days.
100	Tere Bailey	I have felt that community impact is not being taken seriously as well as long term effects on the health and economic stability in the areas most severely impacted. I also feel there is racial disparity in this regard, having witnessed firsthand that the areas affected are overwhelmingly lower income and minority populations in Wilksburg and Clairton.	The changes proposed in this regulation should improve conditions in all the affected areas.
101	Tere Bailey	I have found that Hydrogen Sulfide Gas exposure is deadly long term. Just because we do not smell it does not make it safe. The county monitors sometimes report high particulates (PM2.5) even when the nose does not detect a problem. I would hope that the first steps in remediation and mitigation include a broad based education program so that people can begin connecting the dots on how this is affecting their health and quality of life.	This regulation deals with PM2.5. It will not resolve the H2S odor issue. The ACHD is working on this issue.
102	Tere Bailey	The necessity for an air quality monitoring station in Wilksburg cannot be understated. Since joining Smell Pittsburgh - it is obvious that the air inversions are occurring almost daily now. I would request that a community health advocacy/mitigation fund be established as well as a FORMAL REQUEST for Air Quality Monitoring in Wilksburg Borough. We need an AQ monitor here to provide a basis for our appeals - as soon as possible.	The Parkway East Near Road monitor is located along I-376 in Wilksburg Borough. The overall monitoring network is regularly under review, and ACHD will take this comment into consideration.
103	Alexandra Clerkin	I believe that we should continue to work towards stricter regulations to increase air quality control and subsequently decrease impact on climate change. It's important for us all to have access to clean air, and if you wouldn't drink water polluted with these particles, than we shouldn't be inhaling them either.	Thank you for your comment.
104	April Clisura	These proposed regulations are a much-needed step in mitigating the terrible air quality residents of the Mon Valley and adjacent areas experience during these predictable weather inversions.	Thank you for your comment.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

105	Marla Ferreny	My neighbors and I would appreciate more action on this issue by the Health Dept. Thank you!	Thank you for your comment. This regulation should improve conditions in the affected areas.
106	Matt Peters	PA citizens have a right to clean air, as guaranteed in the state's Constitution Article 1 Section 27. The ACHD has routinely failed in this trust, allowing polluters to continue polluting while seeking to blame "wood smoke" and "weather" for chronic industrial malfeasance. These regulations are a small step towards assuring this right. Notification is not enough, merely informing us that our right to clean air is being violated does nothing to guarantee that right! Penalty and enforcement must be stringent enough to ensure compliance.	All eight air quality monitors in Allegheny County meet federal air quality standards. This milestone means that the region is now in attainment with carbon monoxide, nitrogen oxide, ozone and particulate matter (PM2.5, PM10). The ACHD continues to work to support the Pennsylvania Article.
107	Edward Kass	As a former resident of Clairton, I know first hand how the air quality affects daily life in the Mon Valley. Residents need ample notice of potential air quality issues to protect themselves and Allegheny County should spell out specific actions for US Steel to implement and reduce the pollution in our area.	This is the very intent of the proposed regulation.
108	Peri Unligil M.D.	As a physician with many patients who having chronic conditions and/or older ages making them especially vulnerable to the impacts of these air pollution spikes on their health, I thank you for proposing these 2 action phases but would also ask either that the Watch period be shortened or that some pre-emptive measures are taken during the Watch period to attenuate the impact of these episodes on the vulnerable.	The Watch phase is only a prediction of a potential high day.
109	Rebecca Thurston	This is critically important to protecting the health and well being of all of those in the region.	Thank you for your comment.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

110	Christine Larson	<p>These proposals are a positive step, but they must be enforced immediately, and the next step must be to STOP the harmful air pollutants. An average of 24 hours of exceeding the federal standard is too much, especially when weather conditions predict that the levels will be toxic. There are ways that this city is good for kids/families, but harming their healthy development with polluted air and more days inside/sedentary and possibly shortening their lives or our lives as parents is quite a big price to pay to live here.</p>	<p>Thank you for your comment. This is the ongoing work of the ACHD.</p>
###	Chie Togami	<p>We need regulations that result protect and ensure quality of life. Meeting numeric targets is worthless if we still can't breathe. Existing regulations MUST be strengthened to hold companies accountable, especially when weather traps pollution close to the ground.</p>	<p>The proposed new Article XXI Section 2106.06, "Mon Valley Air Pollution Episode" regulation, addresses this very concern. Prior to this proposal, the levels of air pollutants at which various stages of alert were initiated were 10 or more times the existing NAAQS. This newly proposed regulation will call for actions to be taken at one times the existing NAAQS for PM2.5. This regulation strengthens existing regulations by a factor of 10 or more when weather traps pollution close to the ground.</p>
112	Maren Cooke	<p>Two important trends to consider: thermal inversions are becoming more common due to climate change, and meteorology has developed to the point where they can be predicted. There is no excuse not to protect the people who live in river valleys from these elevated pollution levels. Thank you for revising these long-neglected regulations -- and please be sure to enforce them when the time comes!</p>	<p>Thank you for your comment.</p>
113	Angelo Taranto, ACCAN	<p>In addition, we request that, once these rules are adopted, the Health Department draft similar rules for other airsheds in the County. ACCAN is particularly concerned about that part of the Ohio River Valley that includes Neville Island. A 2018 inventory identified twenty-seven air pollution sources in that airshed, eight of which were Major Sources. With this concentration of air pollution sources, residents in our airshed deserve the protection that air pollution episode rules would provide.</p>	<p>Thank you for your comment.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

114	Angelo Taranto, ACCAN	Another form of protection that Allegheny County residents deserve from the Health Department is quick and effective notification when acute industrial incidents release air pollution that is hazardous to residents. These notifications need to provide guidance on how residents can protect their health during these events.	This is not part of this regulation, but the ACHD continues to improve its notification of known health hazards.
115	Christopher W. Hardin United States Steel Corporation	U. S. Steel is committed to working with ACHD and key stakeholders to develop and implement a strategy so all in the regulated community (including U. S. Steel) can do their part to address the air quality issues that result from inversions. The issue is complex and requires a multi-faceted solution. U. S. Steel supports an open and transparent development of a science-based model to better predict inversions and their intensity.	Thank you for your comment.
116	group 5	Poor air quality has become a major issue that our constituents are concerned about, whether at the local, county, or state level. We are looking towards ACHD to carry out its mandate to fully protect the public's health from this significant problem for our region. This is not a question of getting to legal federal minimum standards, but a question of whether our children can go outside without worrying about asthma attacks or our parents won't suffer from another heart attack or stroke. We urge ACHD to look to solutions that ensure all Allegheny County residents, no matter what neighborhood they live in, or what their health condition is, will not have to worry about the air they breathe.	Thank you for your comment.
117	David Meckel	Somebody has to do something.	This proposed regulation requires actions to be taken by source operators in the Mon Valley to reduce emissions on days when weather conditions might combine with emissions to cause exceedances of the PM2.5 NAAQS.
118	Gregory Hancock	The US Steel Coke Plant MUST be permanently shut down. The pollution makes it very difficult to breathe. The Coke Plant is ruining the air, water and land quality in Clairton. The EPA MUST be informed about this highly toxic plant.	Thank you for your comment.

MON VALLEY EPISODE RULE COMMENT/RESPONSE

119	<p>Matthew Mehalik, Ph.D., Breathe Project</p>	<p>The regulations should provide more public transparency as to how they will be revised once they are determined to require revision. ACHD should also provide information about how different effectiveness achievement scores will be used to communicate with polluting facilities that either their predicted plan and/or actual mitigation performance requires revisions and improvements in their plans. This information should be made available to the public to review. A floor of a minimum of an 80 percent achievement of actual reductions versus predicted should be required.</p>	<p>Paragraph g.2 is transparent in stating that, if a submitted mitigation plan is found not acceptable upon review by the ACHD, then the ACHD will issue an order specifying the changes or additions necessary to make the plan acceptable. In general, Article XXI requires that reviews be conducted on various plans and permits. However, Article XXI does not typically delineate the specific methodologies of conducting such reviews.</p>
120	<p>Angela M. Kilbert</p>	<p>Under the proposed rule, the Department will terminate a Watch or Warning when the conditions are no longer met. Again, the conditions for a Warning would no longer be met if the atmospheric conditions were forecasted to end less than 24 hours later. This means that the Department could terminate a Warning, allowing facilities to ramp emissions back up to normal levels, even though conditions that allow for harmful exceedances of PM2.5 are still present for the next 23 hours. The Department must revise the proposed Watch and Warning requirements to avoid these loopholes that allow for extended periods of exceedances without recourse.</p>	<p>The sources in Allegheny County already have controls and limits to meet the federal health standards. This regulation is to determine additional limits and actions that could be taken during unusually high short-term events over multiple days.</p>
121	<p>Christopher W. Hardin United States Steel Corporation</p>	<p>U. S. Steel request that ACHD provide their basis for the pollutant emission thresholds to be included in the rule. ACHD notes in the Technical Support Document that these levels were deemed to contribute enough emissions to the Mon Valley to warrant requiring the sources to submit plans meant to reduce emissions in the event of episodic conditions in the Mon Valley. Perhaps there are other intermittent sources that only emit at certain times of day, including during inversion events, that have lower ton per year emissions that should be included in the applicability. Has ACHD explored these potential sources?</p>	<p>ACHD tested several levels of emission rates to determine an adequate limit for applicability. The program also evaluated sources that had intermittent emission units, but found that there were too few in the applicable Mon Valley area to include a shorter term (hourly) emission applicability limit.</p>

MON VALLEY EPISODE RULE COMMENT/RESPONSE

122	Scott Taylor Protect Elizabeth Township	Every government agency, elected or appointed, at some point in their applicable governing policy make note to recognize the Environmental Rights Amendment (“ERA”) of the Pennsylvania Constitution and their obligation to protect those rights. The ACHD is no different in this regard.	ACHD agrees. This regulation is part of that commitment.
123	Isabelle Toomey, Gregory Hancock	Every loophole in the proposed regulations is one US Steel will exploit. How many times have they been fined? They can afford the fee! US Steel has shown that it will pull out of long promised investments rather than stop polluting. Let's not make it too easy with loopholes or lack of clarity and steps. US Steel pollutes us on Christmas (well past the FEDERAL LIMIT), through inversions (MANY, and again, well past the FEDERAL LIMIT), on weekends after so many of us put in long hours of work throughout the week, on weekdays, mornings, nights. The smell events were fewer during the pandemic... but not by a significant enough amount (worrying, during a pandemic where a virus attacked people's lungs). While we do need timely information so we can mitigate our exposure (and again, PM2.5 will get in your house even with the doors and windows closed), we also need our worse neighbor to change drastically.	ACHD is aware of the mentioned concerns. ACHD believes this regulation will improve the air quality in the Mon Valley through the requirement for sources to use ACHD-approved mitigation plans during high pollution episodes.
124	James Bursley	I urge the Board of Health to enact aggressive, proactive restrictions on industrial pollution so the city will become more livable and attractive to current and potential residents and businesses.	Thank you for your comment.
125	Jonathan Eberle	The Health Department does not have 24 hour visual inspectors on site at the Mon Valley works, and therefore these facilities increase overnight emissions beyond legal limits as a part of routine business.	Thank you your comment. ACHD will take this concern under further consideration.

Proposed Revision to:

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

**For the
Attainment and Maintenance of the National Ambient Air Quality Standards
(Revision Tracking No. 97)**

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

§2106.06, Mon Valley Air Pollution Episode (new)

And a related change to §2105.50, Open Burning

Proposed change to Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control ---

**the addition of
§2106.06, “Mon Valley Air Pollution Episode”**

EXECUTIVE SUMMARY

ACHD is proposing changes to Article XXI to address air pollution episodes in the Mon Valley Area involving fine particulate matter (PM_{2.5}).

When Allegheny County experiences temperature inversions as a result of weather conditions including light wind speeds, heavy fog, and a significant warm front, pollutants can be trapped closer to the surface.

During these episodes, the Health Department sometimes recorded exceedances of the 24-hour PM_{2.5} federal National Ambient Air Quality Standard at the Liberty monitor, although elevated pollution readings were also recorded at other monitored sites across the county.

This proposed new air quality regulation is aimed at emission mitigation requirements for industry operating in the portion of the county known as the “Mon Valley” during weather-related pollution episodes. The goal is to have emission reduction plans in place that can be implemented within 24 hours of notice from the Health Department to minimize the impact on public health. During these incidences, Air Quality Action Alerts will also be issued for citizens in the Mon Valley communities.

ACHD recognizes that industry is not the only contributor to poor air quality as mobile and area source emissions from motor vehicles, lawnmowers, solvents and open burning can also have an impact on pollution levels. While continuing to advocate for residents to do what they can to reduce emissions, the proposed new regulation will impose corrective action requirements on industry during short-term pollution events.

The proposed revision was the subject of a comment period, including a public hearing held on June 9, 2021.

Finally, the proposed Article XXI §2106.06 and the change to §2105.50 will be submitted as a revision to the Allegheny County portion of the Pennsylvania State Implementation Plan.

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 - §2106.06, Mon Valley Air Pollution Episode (a proposed new section)
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 - a. Public hearing notice (later)
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1. Proposed Revision

Because §2106.06 is a proposed new section, all type is shown in regular font.

....

§2106.06 MON VALLEY AIR POLLUTION EPISODE {effective }

- a. **Applicability.** This section applies to the following sources located in one or more of the municipalities identified in Subsection d:
 1. All major and synthetic minor sources of PM_{2.5};
 2. All sources that have combined allowable emissions from all emission units of 6.5 tons or more per year of PM_{2.5}; and
 3. All sources that have combined allowable emissions from all emission units of 10 tons or more per year of PM₁₀.
- b. **Air Quality Forecast.** For purposes of this Section, the Department shall rely on the air quality forecast provided by the Pennsylvania Department of Environmental Protection for determining Mon Valley Air Pollution Episodes. The Director of the Allegheny County Health Department may approve a change in the air quality forecast provider or methodology. The Department shall post on its Air Quality Program website any changes to the air quality forecast provider or methodology.
- c. **Mon Valley Air Pollution Episodes.** For purposes of this Section, the “Mon Valley PM_{2.5} threshold level” shall be the value of the primary 24-hour PM_{2.5} NAAQS.
 1. **Mon Valley Air Pollution Watch.** The Department shall issue a Mon Valley Air Pollution Watch if the Department has determined from an air quality forecast that for at least the next 24-hour period atmospheric conditions will exist which indicate that the 24-hour average ambient concentration of PM_{2.5} in one or more of the municipalities identified in Subsection d is forecasted to exceed the Mon Valley PM_{2.5} threshold level.
 2. **Mon Valley Air Pollution Warning.** The Department shall issue a Mon Valley Air Pollution Warning if during a rolling 24-hour averaging period, the Mon Valley PM_{2.5} threshold level is exceeded at an official monitoring station in the municipalities identified in Subsection d and the Department has determined atmospheric conditions will continue as described in Paragraph c.1.

- d. **Mon Valley Air Pollution Episode Area.** This Section shall apply to the following municipalities: City of Clairton, City of Duquesne, City of McKeesport, Borough of Braddock, Borough of Braddock Hills, Borough of Chalfant, Borough of Dravosburg, Borough of East McKeesport, Borough of East Pittsburgh, Borough of Elizabeth, Borough of Forest Hills, Borough of Glassport, Borough of Jefferson Hills, Borough of Liberty, Borough of Lincoln, Borough of Munhall, Borough of North Braddock, Borough of Port Vue, Borough of Rankin, Borough of Swissvale, Borough of Turtle Creek, Borough of Versailles, Borough of Wall, Borough of West Elizabeth, Borough of West Mifflin, Borough of White Oak, Borough of Wilmerding, Borough of Whitaker, Elizabeth Township, Forward Township, North Versailles Township, and Wilkins Township.

- e. **Mon Valley Air Pollution Mitigation Plan.** In addition to any applicable plan requirements under Sections 2106.02 and 2106.05, all sources subject to this Section shall submit to the Department according to the schedule provided in Subsection f, a Mon Valley Air Pollution Mitigation Plan (referred to in this Section as “Plan”) with the following two phases:
 - 1. **Mon Valley Air Pollution Watch Phase:** A Mon Valley Air Pollution Watch Phase shall include procedures to ensure the source is operating in a manner consistent with good engineering practice and all air pollution control equipment is maintained in good working condition. The Mon Valley Air Pollution Watch Phase shall include procedures for record keeping and reporting to the Department the actions taken during the Mon Valley Air Pollution Watch period. The Mon Valley Air Pollution Watch Phase shall also include procedures to ensure that the source has sufficient staff and resources available to implement the Mon Valley Air Pollution Warning Phase within 24 hours of the Department’s notification to the source of a Mon Valley Air Pollution Watch.

 - 2. **Mon Valley Air Pollution Warning Phase:** A Mon Valley Air Pollution Warning Phase shall include measures to reduce PM_{2.5} and PM₁₀ emissions to minimize the impact on public health, safety, or welfare, the timeframe for implementing each measure, and an estimate of the PM_{2.5} and PM₁₀ emissions reductions during a 24-hour period for each measure. The Mon Valley Air Pollution Warning Phase shall include the procedures identified in the Mon Valley Air Pollution Watch Phase and procedures for record keeping and reporting to the Department the actions taken during the Mon Valley Air Pollution Warning period. The measures to reduce PM_{2.5} and PM₁₀ emissions may include, but are not limited to, the following:

- A. Reduce transportation activity;
- B. Switch or decrease fuel use as allowed by the facility's permit issued under this Article;
- C. Delay nonessential activities that may cause emissions;
- D. Modify work or other practices; and
- E. Reduce, modify, cease, curtail, defer or postpone production and allied operations.

f. **Dates for Submission of Mon Valley Air Pollution Mitigation Plan.**
Sources subject to this Section shall submit the Mon Valley Air Pollution Mitigation Plan according to the following schedule:

1. Existing sources shall submit to the Department the Plan within 90 days after the effective date of this Section.
2. Sources that startup after the effective date of this Section shall submit to the Department the Plan within 90 days after initial startup of the source.
3. Existing sources that become subject to this Section after the effective date of this Section shall submit to the Department the Plan within 90 days after the source becomes subject to this Section.
4. Any person responsible for operation of the source shall advise the Department in writing of any change affecting the technical content or the implementation of the Plan no more than 30 days following the change. Such submittals shall be reviewed and implemented according to the procedures described in Subsection g below.

- g. **Procedure for Review and Effective Date of the Mon Valley Air Pollution Mitigation Plans.**
1. The Mon Valley Air Pollution Mitigation Plan shall be effective upon submission to the Department.
 2. If the Mon Valley Air Pollution Mitigation Plan is not acceptable to the Department, the Department shall issue an order directing the responsible person to modify and resubmit the Plan within thirty (30) days after receiving notice. The order shall specify the reason or reasons for disapproval and shall specify the changes or additions necessary to make the Plan acceptable to the Department. The Plan submitted for review to the Department under Paragraph g.1 shall continue to be effective until a modified Plan has been submitted. The modified Plan shall be effective upon submission to the Department.
 3. When determining whether the Mon Valley Air Pollution Mitigation Plan is acceptable, the Department may consider the following factors:
 - a. The feasibility of implementing the Mon Valley Air Pollution Warning Phase within 24 hours of the Department's notification to the source of a Mon Valley Air Pollution Watch;
 - b. Whether the measures to decrease PM_{2.5} and PM₁₀ emissions can reasonably improve public health, safety, or welfare; and
 - c. Whether the estimated reduction in PM_{2.5} and PM₁₀ emissions is proportionate to the source's contribution to emissions in any of the municipalities identified in Subsection d.
 4. In the event that a source fails to submit the Mon Valley Air Pollution Mitigation Plan according to the schedule provided in Subsection f, fails to resubmit the Plan, or fails to resubmit the Plan in accordance with the changes or additions specified by the Department, the Department, in addition to any other remedies available to it under this Article, shall have the authority to issue an order to that person detailing the procedures for a Mon Valley Air Pollution Watch or Warning Phase.

- h. **Notification of Mon Valley Air Pollution Episodes.** When a Mon Valley Air Pollution Watch or Warning is issued, the Department shall make the following notifications:
 - 1. The Department shall notify all sources subject to this Section that they are required to implement the procedures and measures identified in either the Mon Valley Air Pollution Watch or Warning Phase.
 - 2. The Department shall notify all municipalities identified in Subsection d, and any other municipality that requests to be notified, that a Mon Valley Air Pollution Watch or Warning is in effect.
 - 3. The Department shall issue an advisory on its Air Quality Program website and notify various media that a Mon Valley Air Pollution Watch or Warning is in effect.
- i. **Termination of Mon Valley Air Pollution Episodes.**
 - 1. The Department shall terminate any Mon Valley Air Pollution Watch or Warning when the conditions in Paragraphs c.1 and c.2 no longer exist.
 - 2. The Department shall issue a notification to all person(s) identified under Subsection h when the ACHD has determined that a Mon Valley Air Pollution Watch or Warning is no longer in effect.
- j. **Other powers unaffected.** Nothing contained in this Section shall affect the power of the Department to issue an Emergency Order pursuant to §2109.05 of this Article, whether or not such emergency occurs during a Mon Valley Air Pollution episode.

For the following section:
Additions are shown in **larger font, bolded, and underlined.**

§2105.50 OPEN BURNING *{Subsection f amended May 8, 2007, effective, August 17, 2007, and amended July 16, 2009, effective July 26, 2009. Subsections a, b, and d amended, and e & f renumbered November 13, 2014, effective, January 1, 2015. Paragraph a.3 amended mm/dd/yyyy, effective mm/dd/yyyy.}*

a. **General.**

...

- 3. Wood burning activities shall not be conducted on Air Quality Action Days **or in the municipalities identified in Subsection 2106.06.d when a Mon Valley Air Pollution Watch or Warning under Section 2106.06 has been issued,** with the exception of conducting such burning for the commercial preparation of food.

End of Regulation Changes

2. Technical Support Document

2.1 General Summary

ACHD is proposing changes to Article XXI in this SIP revision to address air pollution episodes in the Mon Valley Area involving fine particulate matter (PM_{2.5}).

In the past, particularly in 2019, Allegheny County has experienced strong and lengthy temperature inversions as a result of extended periods of weather conditions including light wind speeds, heavy fog, and a significant warm front. Temperature inversions alter the profile of the local atmosphere and tend to trap pollutants closer to the surface.

During these episodes, the Health Department (ACHD) recorded exceedances of the 24-hour PM_{2.5} federal National Ambient Air Quality Standard (NAAQS) at the Liberty monitor, although elevated pollution readings were also recorded at other monitored sites across the county. During these incidences, Air Quality Action Alerts were issued for citizens in the Clairton and Liberty communities. ACHD recognizes that industry is not the only contributor to poor air quality as wide-spread mobile and area source emissions from motor vehicles, lawnmowers, solvents and open burning can have a significant impact on pollution levels. While continuing to advocate for residents to do what they can to reduce emissions, the proposed new regulation will impose corrective action requirements on industry during short-term pollution events.

This proposed new air quality regulation is aimed at emission mitigation requirements for industry operating in the portion of the county known as the “Mon Valley” during weather-related pollution episodes. The goal is to have emission reduction plans in place that could be implemented within 24 hours of notice from ACHD. Such “Mon Valley Air Pollution Warning Plans” will include measures to reduce emissions to minimize the impact on public health.

Concurrent with this proposed emission mitigation regulation, ACHD plans to build an infrastructure to model and forecast inversion events as a necessary component for effective regulation implementation. The enhanced meteorological forecasting is expected to be accompanied by additional public notifications.

Finally, the proposed Article XXI §2106.06 will be submitted as a revision to the Allegheny County portion of the Pennsylvania State Implementation Plan as additional weight of evidence of the attainment of the National Ambient Air Quality Standard for Fine Particulate Matter, PM_{2.5}. The Open Burning regulations at §2105.50 are already part of the PA SIP and therefore the proposed revision to §2105.50.a.3 will be submitted as a change to the existing PA SIP.

2.2 Extent of Area

To determine the extent of the area in which the regulation would be applicable, ACHD examined monitored concentrations, modeled results, and point source emissions in recent years.

Since 2016, the Liberty monitor site has recorded the highest 24-hour concentrations in the county and the most exceedances of the 24-hour NAAQS, including consecutive exceedance days. The North Braddock and Parkway East monitors have also exceeded on one day (Dec. 3, 2017) during a consecutive-day Liberty exceedance period.¹ Table 1 below shows the average 24-hour concentrations for Liberty, North Braddock, and Parkway East during periods with Liberty exceedances. Averages for the Lawrenceville and South Fayette sites are also shown, for a look at general urban and background concentrations, respectively.

Table 1. Average 24-Hour PM_{2.5} Concentrations (µg/m³) on Liberty Exceedance Days, by Site, 2016-2020

Exceedance Scenario	Liberty	North Braddock	Parkway East	Lawrenceville	South Fayette
Any Liberty Exceedance Day	44.7	23.1	21.8	18.4	12.8
Consecutive Liberty Exceedance Days	48.7	25.4	24.5	22.1	12.7

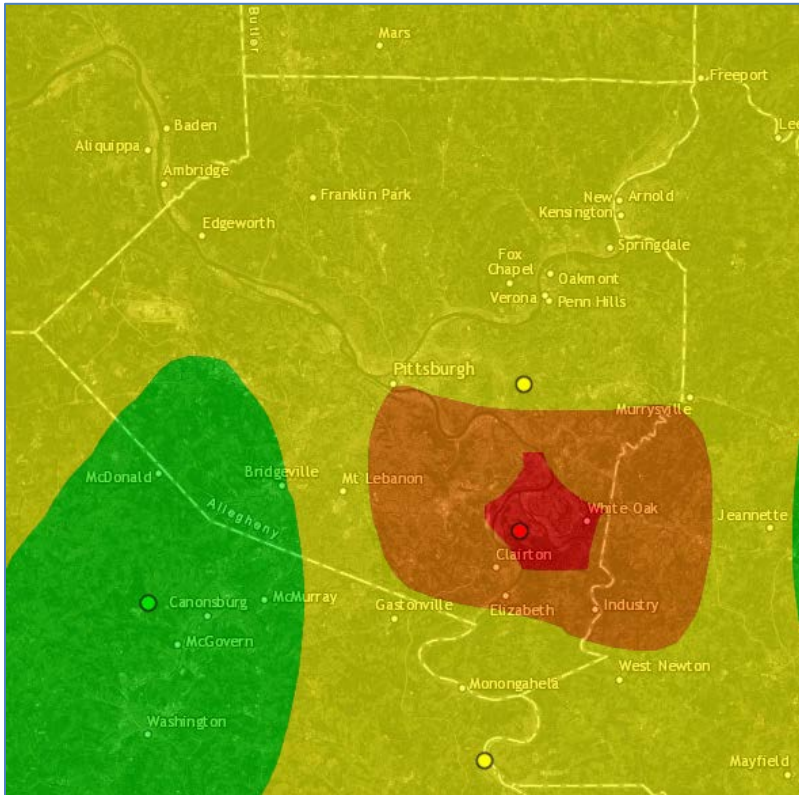
The Liberty monitor shows the highest concentrations on exceedance days, with North Braddock showing the 2nd-highest concentrations. Parkway East is a near-road site that can be affected by highway emissions as well as general urban emissions. The differences in concentration from Liberty compared to Lawrenceville and South Fayette can be considerable during exceedance days, indicating that the Mon Valley is unique in comparison to the rest of the county.

PM_{2.5} monitors are located at several locations in Allegheny County as well as surrounding counties. EPA's AirNow interactive map² can provide visual interpolations of maximum daily Air Quality Index (AQI) values from all available monitor sites. Figure 1 below shows an example AQI map for a day during a period of consecutive exceedances at Liberty in December of 2019. (Shown in the figure: Dec. 23, 2019, during the period of Dec. 21-26, 2019.)

¹ Additionally, the Avalon site, located in the Ohio Valley, exceeded on one day (Nov. 8, 2020) when no other site exceeded in the county, based on final FRM/FEM combined results. There may be occasional isolated exceedances at any location in the county – the intent of this regulation is to mitigate exceedances in the area that is most prone to exceed on consecutive days, which is the Mon Valley.

² Available at: <https://gispub.epa.gov/airnow/>

Figure 1. PM_{2.5} AQI Map for Allegheny County Region, Dec. 23, 2019



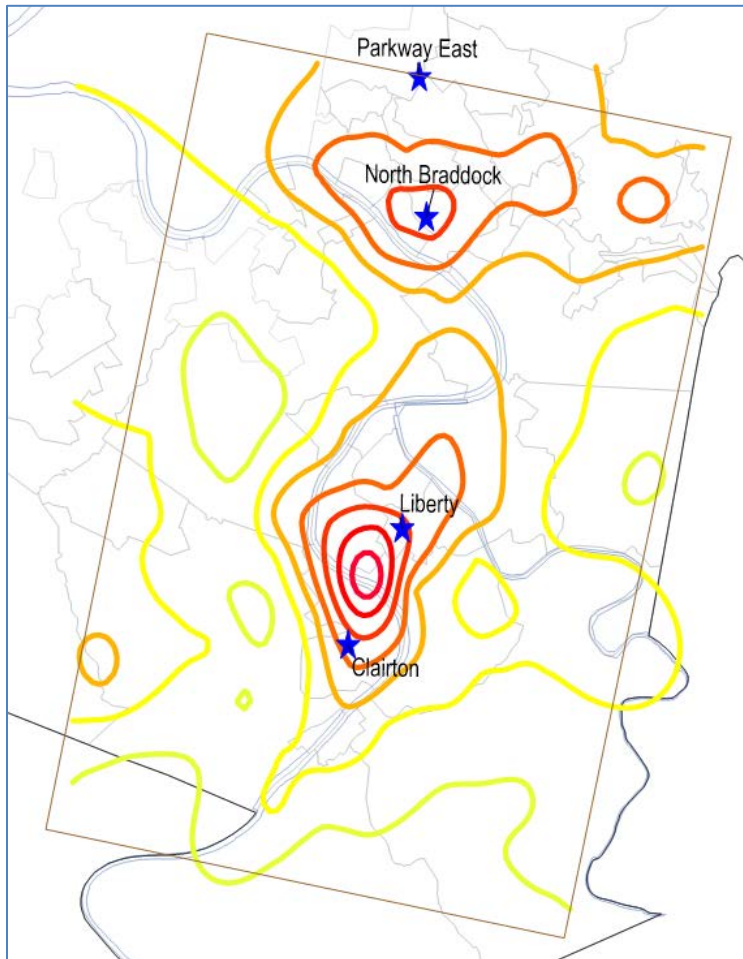
Based on interpolated monitored data alone, the Mon Valley region showed PM_{2.5} concentrations in the unhealthy ranges (orange/red) when other sections of the county and surrounding counties were actually in the good range (green). Widespread concentrations in the moderate range (yellow) were also evident throughout the Pittsburgh region.

For a more specific analysis of highest concentration locations, modeled results can be examined. Modeling for the PM_{2.5} State Implementation Plan (SIP) for the 2012 NAAQS included CAMx chemical transport model³ predictions for year 2021. The model was configured at 1.33 km grid resolution (i.e., site-specific meteorology and modeled concentrations at 1.33 km horizontal spacing). Emissions included both primary PM_{2.5} and secondary transformation from precursors (see more below in Section 2.3) from all source sectors (point, area, mobile).

Figure 2 shows the maximum modeled 24-hour contours for the Mon Valley, along with monitor locations, based on a domain from the Parkway East site to the north and extending to the edges of the county border to the east and the south. (Note: The modeled contours are color-coded to be analogous to the AQI ranges. Additionally, the domain is skewed diagonally due to the Lambert Conic Conformal (LCC) projection used by the model.)

³ Available at: <http://www.camx.com/>

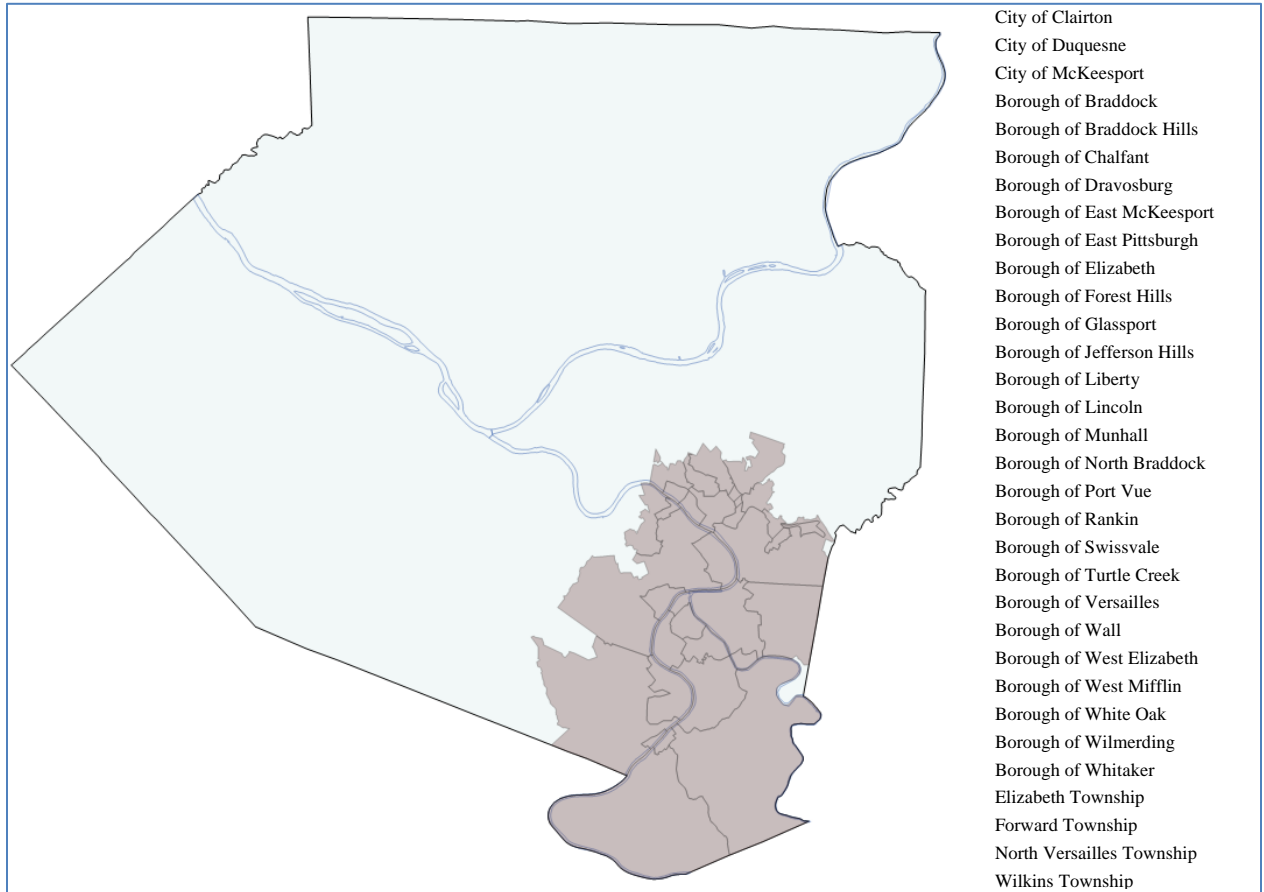
Figure 2. Contour Map of Maximum Modeled 24-Hour Impacts, Mon Valley, 2021



The modeled results show that the expected peak locations are near the Liberty and North Braddock monitor sites, roughly within a 5-km radius surrounding the Liberty site and a 3-km radius surrounding the North Braddock site. Recent emissions inventories (based on actual emissions) show that about 70% of the annual PM_{2.5} point source emissions in Allegheny County are from point sources within these zones (see more below in Section 2.4).

Based on the available monitored, modeled, and emissions data, the extent of the area that is most affected by and most contributing to PM_{2.5} exceedances is likely best assigned as a contiguous region of the Monongahela River Valley from the southern border of the county to the border of the City of Pittsburgh. The municipalities included in the area are within the vicinity of the Liberty and/or North Braddock monitor sites. The area is also similar to the Allegheny, PA SO₂ nonattainment area for the 2010 NAAQS. Figure 3 shows the area (shaded in gray) along with the list of the included municipalities.

Figure 3. Map of Proposed Mon Valley Air Pollution Episode Area



2.3 PM_{2.5} Composition in the Mon Valley

To help determine the source applicability of this regulation (discussed in Section 2.4 below), especially in regard to minor sources as well as sources from outside the Mon Valley, it is important to consider the composition of PM_{2.5} in the Mon Valley.

PM_{2.5} can be both primary and secondary in nature. Primary PM_{2.5} can be emitted from a source as a particle or can quickly condense from a gas to particle or aqueous phase. Secondary PM_{2.5} can be transformed from precursors, which can include the following pollutants:

- Sulfur dioxide (SO₂) can transform to sulfuric acid and then to sulfate, generally over long distances and during hot/humid conditions. Localized transformation can possibly also occur during extreme stagnation conditions. Sulfate can also be emitted in primary/aqueous form.
- Nitrogen oxides (NO_x) can transform to nitric acid and then to nitrate, generally in cold conditions.

- Volatile organic compounds (VOC) can transform to secondary organic aerosols (SOA).
- Ammonia (NH₃) can react with other compounds, generally sulfuric and nitric acid.

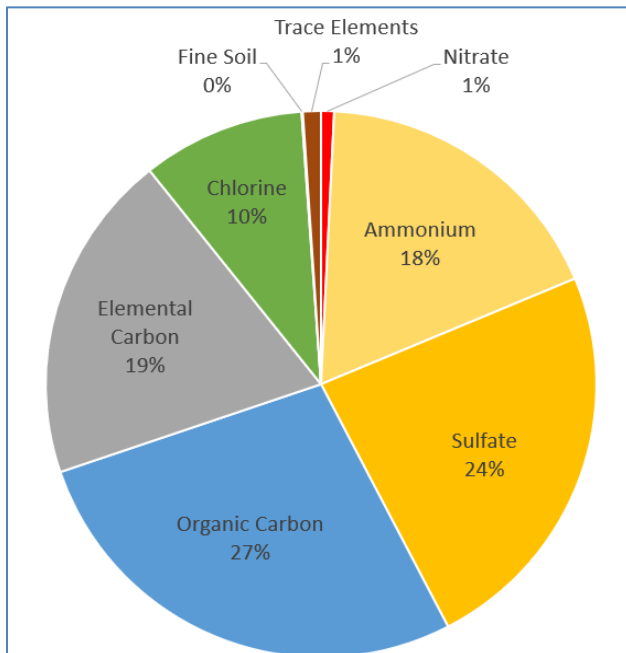
When examining the excess PM_{2.5} in the Mon Valley – that is, the amount of PM_{2.5} above what is found to exist throughout the rest of the Allegheny County or the Pittsburgh region – differences in the types of individual species can be used to determine the potential source contributions of PM_{2.5}. Speciation monitors are available at both Liberty and Lawrenceville, as well as some tri-state locations.

The excess analysis undertaken for this proposed regulation examined monitored samples at Liberty and Lawrenceville in 2015-2019 when Liberty was greater than 25 µg/m³ (or about 72% of the 24-hour NAAQS). Table 2 below shows the average species concentrations in µg/m³ for both sites on these days, with the difference representing Liberty minus Lawrenceville. (A total of 23 dates were available with speciation data at both Liberty and Lawrenceville, and five of those dates were during episodes with consecutive exceedances). Figure 4 shows the difference in pie chart format, with percentages of the total excess shown for each species.

Table 2. Average PM_{2.5} Species Concentrations (µg/m³) on Liberty High Days, 2015-2019

Site	Ammonium	Sulfate	Nitrate	Organic Carbon	Elemental Carbon	Fine Soil	Chlorine	Trace Elements
Liberty	4.30	6.40	1.93	9.46	5.13	0.94	1.90	0.57
Lawrenceville	0.86	1.84	1.78	4.18	1.38	0.95	0.06	0.37
Difference	3.45	4.55	0.15	5.27	3.75	-0.01	1.84	0.20

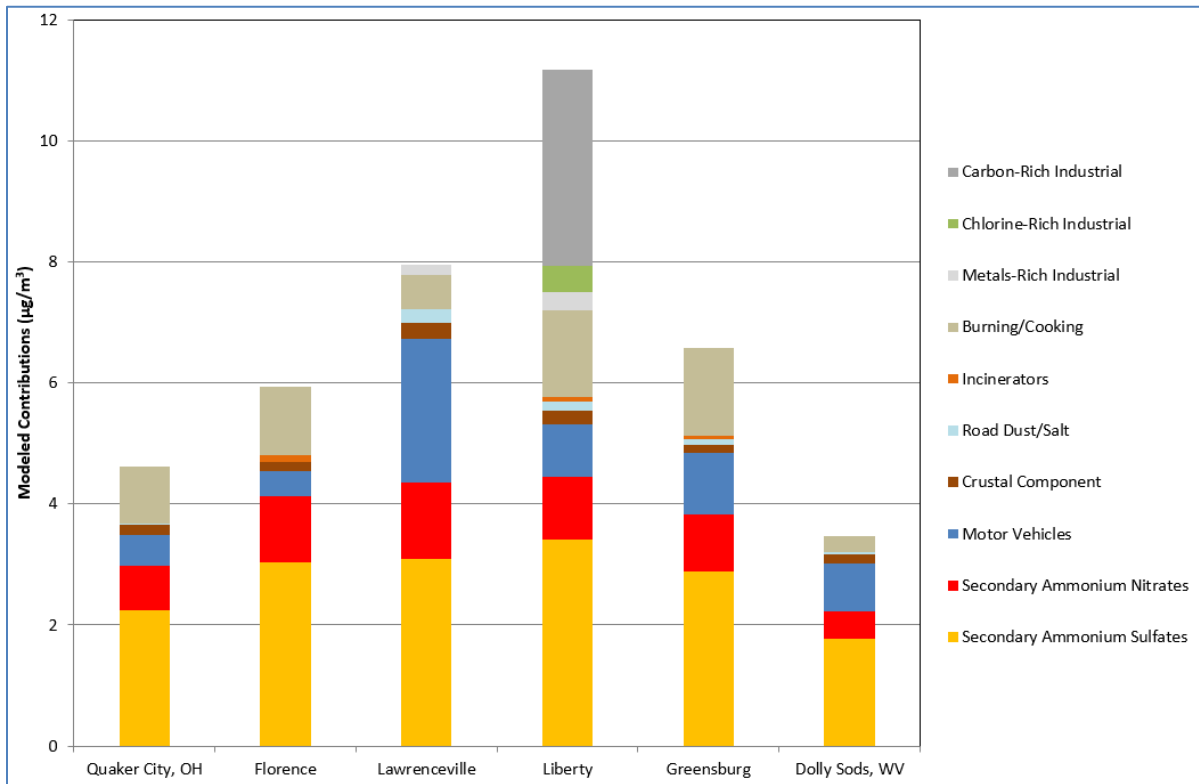
Figure 4. Liberty Excess PM_{2.5} Species, High Days, 2015-2019



There are several aspects of the Liberty excess species. There is negligible or no excess of nitrate, fine soil, or trace elements, so these species are not contributing to exceedances. Ammonium is usually associated with other species, but it is in higher proportion than what would be needed for ammonium sulfate. Sulfate and organic carbon can include both primary and secondarily-formed portions, but the elemental carbon excess is primary in nature. Last, chlorine is unique to the Mon Valley compared to Lawrenceville, and it may exist in primary form as hydrochloric acid (HCl) or associated with other species.

Speciation data can also be used with source apportionment tools such as EPA’s Positive Matrix Factorization (PMF)⁴ model to determine source factors that are contributing to specific species concentrations. Figure 5 below shows the PMF results sites in the tri-state region, based on speciation data from 2009-2017. (These results were also included in the PM_{2.5} SIP for the 2012 NAAQS.)

Figure 5. PMF PM_{2.5} Source Factors, Tri-State Sites, 2009-2017



The PMF results show that most of the secondary formation from species such as sulfate and nitrate are consistent throughout the Pittsburgh Region. (Note: Florence is in Washington County, and Greensburg is in Westmoreland County.) Lawrenceville shows the highest contributions from motor vehicles, which should be expected as the most urban site with speciation data. Liberty shows noticeable differences from the rest of the

⁴ Available at: <https://www.epa.gov/air-research/positive-matrix-factorization-model-environmental-data-analyses>

region for the source factors attributed as carbon-rich and chlorine-rich industrial, based on the make-up of species (like as shown in Figure 4 above). These source factors are the driving components for the Liberty excess and exceedances of the PM_{2.5} 24-hour NAAQS, and they are not contributing to other sites in the tri-state region.

Additionally, results from the CAMx modeling (as described above in section 2.2) showed that primary PM_{2.5} was the largest contributor to the Liberty excess, as the results shown in Figure 2 above included both primary and secondary formation from all source sectors. The peak modeled contours in the Mon Valley were due to primary emissions from point sources.

There is some amount of localized transformation of precursors that is occurring within the Mon Valley, as well as other sections of the county, specifically for secondary organic aerosols (SOA) from VOC. EPA's PM_{2.5} Precursor Guidance⁵ indicates that SOA remains the least understood component of PM_{2.5} and continues to be a significant topic of research and investigation. However, SOA typically comprises a higher percentage of the organic carbon portion of PM_{2.5} mass in the summer than in the winter. Exceedances in the Mon Valley generally occur during cool conditions with strong inversions present.

ACHD's analysis of the composition of PM_{2.5}, as it relates to determining the source applicability of this regulation and whether to include minor sources and sources from outside the Mon Valley in the requirement to submit episode plans, is that the majority of the excess PM_{2.5} in the Mon Valley is primary in nature and is caused by point source emissions from within the area. Given that is the case, the regulation should apply to PM_{2.5}/PM₁₀ sources described in Section 2.4 below.

2.4 Sources Subject to the Regulation

Sources made subject to the regulation are sources of both PM_{2.5} and PM₁₀, since PM₁₀ includes PM_{2.5} by definition, and some minor sources do not have an inventory for PM_{2.5}.

Major, synthetic minor, and minor sources over specific permitted values were considered for applicability. The figures below show the permitted facilities in the Mon Valley and their percentage of the emissions of PM_{2.5} and PM₁₀ in the Mon Valley.

⁵ Available at: <https://www.epa.gov/pm-pollution/pm25-precursor-demonstration-guidance>

Figure 6. PM_{2.5} Emissions (% of total), by Permitted Facilities in Mon Valley

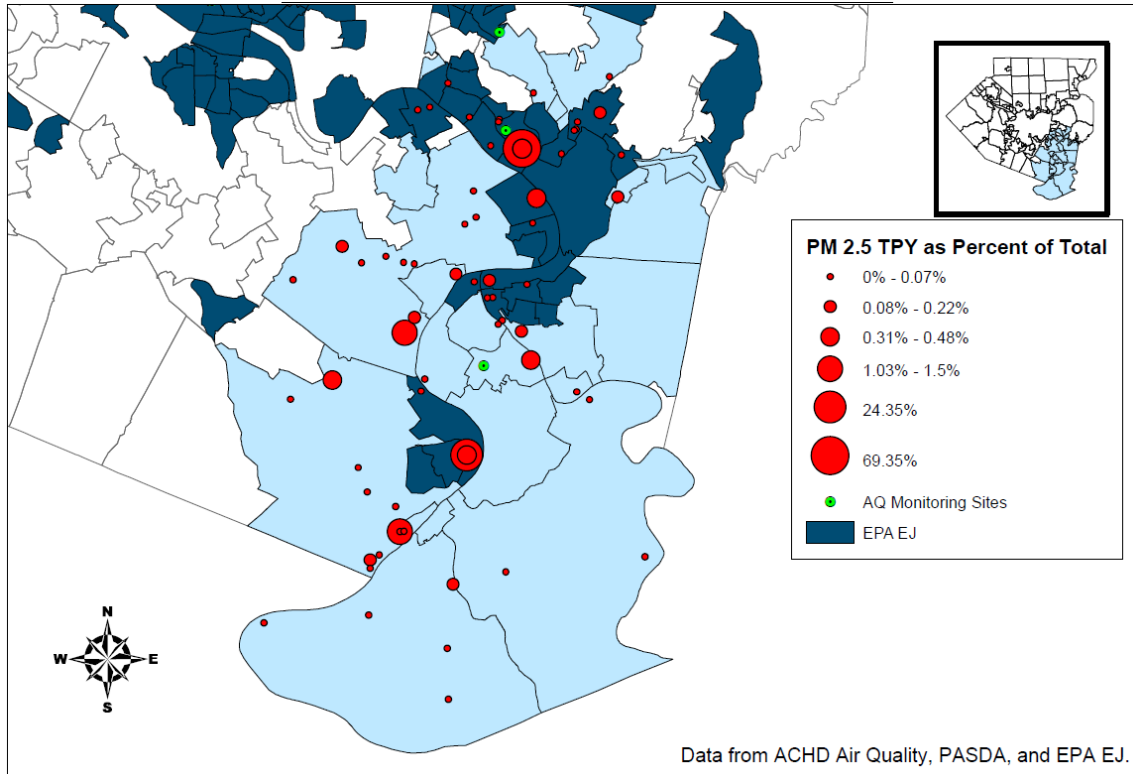
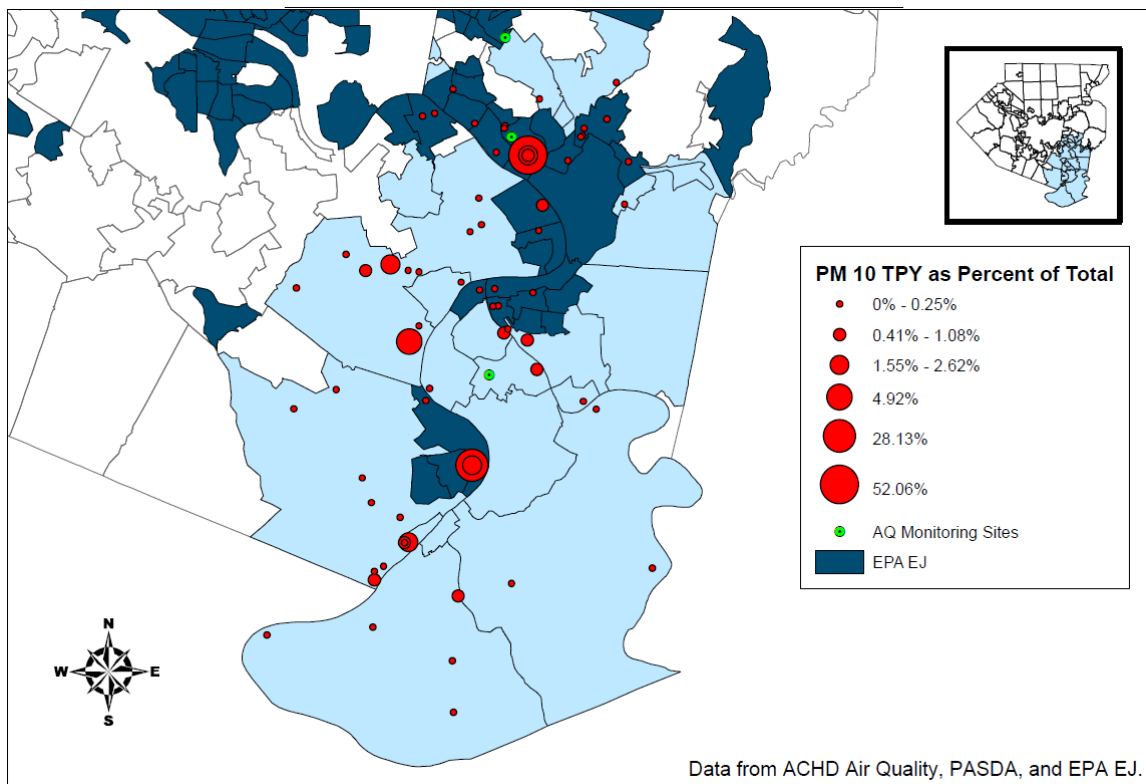


Figure 7. PM₁₀ Emissions (% of total), by Permitted Facilities in Mon Valley



Based on a review of sources located within the Mon Valley and their permit limits for both PM₁₀ and PM_{2.5}, cutoff levels were established at 10 tons/year for PM₁₀ and 6.5 tons/year for PM_{2.5}. These levels were deemed to contribute enough emissions to the Mon Valley to warrant requiring the sources to submit plans meant to reduce emissions in the event of the existence of episodic conditions in the Mon Valley. The following tables list the sources that will be subject to the regulation as of this writing:

Table 3. Facilities with both PM_{2.5} tons/year limit of 6.5 or greater and PM₁₀ tons/year limit of 10 or greater

Company Name
U.S. Steel-Edgar Thomson Plant
U.S. Steel-Clairton Coke Works Plant
TMS (USS-Edgar Thomson)
Eastman Chemical Resins, Inc.
DURA-Bond (Duquesne)
DURA-Bond (Liberty)
U.S. Steel Irvin Plant

Table 4. Facilities with only PM₁₀ tons/year limit of 10 or greater

Company Name
Clairton Slag, Inc.
LaFarge Corporation (Duquesne Plant)
C.P. Industries – Christy Park Plant
Keywell Metals LLC. West Mifflin
Kelly Run Sanitation Landfill
Braddock Recovery, Inc.
ELG Metals, Inc. – McKeesport
Mid-Continental Coal & Coke Company
NCP Carbon (Jefferson Hills Site)
TMS (USS- Clairton)
Fritz Enterprises (USS Edgar Thomson)

2.5 Mon Valley Air Pollution Mitigation Plan

The singular Plan that each applicable source shall submit will have a Mon Valley Air Pollution Watch Phase, and a Mon Valley Air Pollution Warning Phase.

Subsections 2106.06.e, f, and g of the proposed regulation discuss aspects of a Mon Valley Air Pollution Mitigation Plan, including Plan content, submission schedules, review process, when the Plan is effective and handling Plan changes.

3. Documentation of Public Hearing and Certifications

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

e. Summary of Comments and responses

Public Comments and Responses for the Proposed Allegheny County Health Department
Regulation: Article XXIV ‘Paid Sick Days’
Comments received on or before June 25, 2021

COMMENT	COMMENTER(S)
General	
1. I support the passage of a Paid Sick Days regulation in Allegheny County.	Marcia Bandes; Tina Batra Hershey; David Bigbee; Nekia Burton Tucker; James Conway; Dan Davis; Dana Dolney; Susan Frietsche; Richard Gegick; Lisa J. Gonzalez; Allegheny County Councilperson Bethany Hallam; Aliah Hasan; Kayla King; Joshua Kunkle; Dilini Lankachandra; Stephanie McQuaide; Rachel Masilamani; Larisa Mednis; Marie K Norman; Peter Oanes; Erica L. Payne; Sara Payo; William P. Reeves; Megan Rose; Jackie Smith; Lorraine Starsky; Taylor Stessney; Jay Ting Walker; Robert Vargo; Ted Weissgerber; Shane Wooley
RESPONSE: Thank you for your participation in this process. Allegheny County Health Department (ACHD) continues to work toward improving the health and well-being of all Allegheny County residents where they live, work, and play.	
2. The Board of Health (BOH) should consider the positive public health impacts of paid sick time regulations.	Tina Batra Hershey; James Conway; Dan Davis; Dana Dolney; Susan Frietsche; Richard Gegick; Allegheny County Councilperson Bethany Hallam; Aliah Hasan; Kayla King; Joshua Kunkle; Dilini Lankachandra; Stephanie McQuaide; Rachel Masilamani; Larisa Mednis; Marie K Norman; Erica L. Payne; William P. Reeves; Jackie Smith; Lorraine Starsky; Taylor Stessney; Ted Weissgerber
RESPONSE: The ACHD proposed Article XXIV as an extension of the duties of the BOH to formulate rules and regulations for the prevention of disease.	
3. The BOH should consider that a lack of access to paid sick time disproportionately affects women, people of color, and/or low wage workers.	Marcia Bandes; Tina Batra Hershey; Dana Dolney; Susan Frietsche; Allegheny County Councilperson Bethany Hallam; Aliah Hasan; Larisa Mednis; Megan Rose; Lorraine Starsky
RESPONSE: The current regulation is an initial measure designed to improve public health. The Board of Health may consider revisions to the regulation after implementation and in response to the impact of Article XXIV on public health.	
4. The BOH should consider that access to paid sick time and/or a healthier workforce has a positive impact on the economy.	Tina Batra Hershey; James Conway; Dana Dolney; Allegheny County Councilperson Bethany Hallam; Dilini Lankachandra; Marie K Norman; Erica L. Payne

COMMENT	COMMENTER(S)
RESPONSE: The ACHD acknowledges the economic impact of a healthy workforce and of local regulation on area businesses. The proposed regulation was drafted to address the public health needs of the residents of Allegheny County.	
5. I recommend that the BOH implement the ordinance as the County Council intended.	Nekia Burton Tucker; Joshua Kunkle; Robert Vargo; Shane Wooley
RESPONSE: The ACHD is satisfied that the current draft of the regulation adheres to the spirit of the County Council ordinance.	
6. The BOH should consider that paid sick time has had negligible to little impact on business costs for employers.	Tina Batra Hershey; Dan Davis; Dilini Lankachandra
RESPONSE: <i>See response to Comment 4.</i>	
7. Paid Sick Days and/or healthcare are an essential right that should be accessible to all workers.	Joshua Kunkle; Taylore Roth; Jackie Smith
RESPONSE: <i>See response to Comment 1.</i>	
8. We recommend parity with the City of Pittsburgh’s Paid Sick Days Act to ensure that employers with employees in both the City and County would have consistency and ease in administering the provisions.	Susan Frietsche; Aliah Hasan; Diane Hughley
RESPONSE: Municipalities, including the City of Pittsburgh, that implement paid sick time provisions that are stricter than those outlined in the regulation are permitted to continue local enforcement under Article XXIV. The enforcing Agency will provide education and guidance to non-exempt businesses upon the enactment of Article provisions.	
9. The BOH should consider that paid sick leave is a short-sighted measure that would harm businesses, many of which are still struggling with the effects of the coronavirus and trying to recover from economic shutdowns.	Eric Montarti
RESPONSE: The provisions outlined in the regulation are recognized as methods of infectious disease mitigation with applications relevant to the current crisis and to the prevention of future disease outbreaks.	
10. The BOH should consider that the regulation may motivate businesses to relocate outside the county.	Eric Montarti
RESPONSE: The ACHD is charged with using its regulatory authority to propose policies that protect, promote, and preserve the health and well-being of all Allegheny County residents.	
11. I recommend comprehensive permanent paid family and medical leave and a Paid Sick Days Policy that covers the full range of caregiving needs; whether that's welcoming a new child, caring for a sick	James Conway

COMMENT	COMMENTER(S)
loved one, or recovering from illness or a serious medical condition.	
RESPONSE: <i>See response to Comment 3.</i>	
Section 2402	
<p>12. We recommend that the regulation be revised to exclude public school employees from the definition of <i>Employee</i>; day-to-day substitutes operate in a manner akin to independent contractors and seasonal workers but are not currently excluded from the proposed definition of <i>Employee</i>.</p>	Dr. Robert Scherrer; Joseph D. Shaulis, Esq.
RESPONSE: The ACHD is satisfied with the definition of ‘employee’ insofar as it incorporates an established definition employed across the Commonwealth.	
<p>13. We recommend that the regulation retain the primacy of collective bargaining agreements, revising the definition of <i>Employee</i> to read: <i>“Employee. Is as defined in 43 P.S. Section 333.103 (h). For the purposes of this Article, “employee” shall not include independent contractors, State and Federal employees, employees covered by a bona fide collective bargaining unit including a construction union, or seasonal employees.”</i></p>	Diane Hughley
RESPONSE: <i>See response to Comment 12.</i>	
<p>14. I do not support the definition of <i>Paid Sick Time</i> and recommend that tipped workers be entitled to compensation that reflects the actual amount of money the worker takes home hourly, instead of the tipped sum minimum or Federal Minimum Wage.</p>	Larisa Mednis
RESPONSE: <i>See response to Comment 3.</i>	
Section 2403, Subsection B	
<p>15. The BOH should revise the regulation to be inclusive to all businesses in the County by removing the exemption for businesses with 25 or fewer employees.</p>	<p>Marcia Bandes; Tina Batra Hershey; David Bigbee; James Conway; Dan Davis; Dana Dolney; Susan Frietsche; Richard Gegick; Allegheny County Councilperson Bethany Hallam; Aliah Hasan; Dilini Lankachandra; Larisa Mednis; Erica L. Payne; Megan Rose; Lorraine Starsky; Taylor Stessney; Jay Ting Walker</p>

COMMENT	COMMENTER(S)
RESPONSE: The current regulation is an initial measure designed to improve public health while recognizing the unique needs of area businesses. The Board of Health may consider revisions to the regulation after implementation and in response to the impact of Article XXIV on public health.	
16. I recommend that the proposed exemption for businesses with 26 or more employees be revised to exempt businesses with two or more employees.	Sara Payo
RESPONSE: <i>See response to Comment 15.</i>	
17. We recommend parity with the City of Pittsburgh’s Paid Sick Days Act regarding the number of days which must be provided by various sizes of employer and the eligible uses of those days.	Diane Hughley
RESPONSE: <i>See response to Comment 15.</i>	
18. We support the limits of applicability in Subsection B to that of employers with 26 or more employees.	Diane Hughley
RESPONSE: <i>See response to Comment 15.</i>	
19. I recommend five days of sick leave to all workers, regardless of the size of their employer.	Dan Davis
RESPONSE: <i>See response to Comment 15.</i>	
20. The BOH should consider that universal paid sick leave requirement would bring the regulation in line with other Paid Sick Leave Laws across the country.	Dilini Lankachandra
RESPONSE: <i>See response to Comment 15.</i>	
21. The current regulation does not adequately address the need for paid sick days among food service workers.	David Bigbee; Susan Frietsche; Richard Gegick; Lisa J. Gonzalez; Aliah Hasan; Kayla King; Sara Payo; Lorraine Starsky; Taylor Stessney
RESPONSE: The ACHD recognizes the important role food service workers play in protecting the public’s health and works to support their efforts through the activities of the Food Safety Program. The Board of Health may consider revisions to the regulation after implementation and in response to the impact of Article XXIV on public health in the county.	
22. The BOH should consider that small restaurants and bars are not exempt from other BOH regulations, such as a food safety requirements.	Richard Gegick
RESPONSE: <i>See response to Comment 15 and Comment 21.</i>	
23. The BOH should consider that businesses that may have planned to hire more workers and exceed the 26 employee level	Larisa Mednis; Eric Montarti

COMMENT	COMMENTER(S)
might avoid doing so because of the Paid Sick Days regulation.	
RESPONSE: See response to Comment 10.	
24. We recommend the regulation be revised to grant workers the opportunity to frontload paid sick days.	Susan Frietsche; Aliah Hasan
RESPONSE: The ACHD is satisfied with the current accrual model outlined in the regulation. The Board of Health may consider revisions to the regulation after implementation and in response to the impact of Article XXIV on public health in the county.	
Section 2403, Subsection D	
25. I do not support any language in the regulation allowing companies with collective bargaining agreements to wait to implement paid sick days until the next contract comes up for negotiation.	Lorraine Starsky
RESPONSE: The regulation provides for implementation of paid sick time provisions uniformly across non-exempt businesses. It does not outline separate provisions for employers with employees who are covered by a collective bargaining agreement except in cases where an employer with a collective bargaining agreement already meets or exceeds paid sick time requirements.	
Section 2403, Subsection E	
26. We do not support the requirement to track paid sick time to be made eligible to employees upon 90 days of employment as it poses an administrative burden to schools; it would require the creation of tracking systems for day-to-day substitutes who are unlikely to ultimately meet eligibility requirements.	Dr. Robert Scherrer; Joseph D. Shaulis, Esq.
RESPONSE: The ACHD recognizes that new regulations will require all stakeholders to consider how those new rules will affect their operation and to update procedures in order to comply with those new rules. However, it promulgates those rules in accordance with its legislative mission to protect the public health.	
Section 2403, Subsection I	
27. We do not support the provision that requires employers to continue tracking if there is a break in service that is less than six (6) months as it poses an administrative burden for schools; the requirement is incongruous with school district hiring and employment practices.	Dr. Robert Scherrer; Joseph D. Shaulis, Esq.
RESPONSE: See response to Comment 26.	
Section 2403, Subsection L	
28. I recommend that the regulation should stipulate that 40 hours of paid sick time is	Lorraine Starsky

COMMENT	COMMENTER(S)
the minimum that must be provided for employees for employers with collective bargaining agreements.	
RESPONSE: <i>See response to Comment 25.</i>	
<p>29. We recommend that Subsection L be revised to read:</p> <p style="padding-left: 40px;">“The requirements of this Article shall not apply to an employer with respect to those employees who are covered by a bona fide collective bargaining agreement.”</p>	Diane Hughley
RESPONSE: <i>See response to Comment 24.</i>	
Section 2404, Subsection A	
<p>30. We recommend that Subsection A be revised to allow survivors of domestic and sexual abuse to use paid sick days to change locks, consult with legal counsel, find secure housing, or take other action to safeguard their health and lives from violence.</p>	Susan Frietsche; Aliah Hasan
RESPONSE: The accrual model outlined in the regulation allows for the use of paid sick time to address a broad array of mental and/or physical illness, injury, or health conditions.	
Section 2404, Subsection D	
<p>31. We do not support the provisions that “[a]n employee may use their paid sick time in the smaller of hourly increments or the smallest increment that the employer’s payroll system uses to account for absences or use of other time” as school payroll systems are not designed for or capable of tracking time in units smaller than half-day increments.</p>	Dr. Robert Scherrer; Joseph D. Shaulis, Esq.
RESPONSE: As outlined in Section 2404, Subsection D employees may use paid sick time in units as small as half-day increments if units smaller than a half-day are not supported by the employer’s payroll system used to account for absences or use of other time.	
Section 2404, Subsection K	
<p>32. I recommend that the regulation specify that workers are entitled to paid sick time in addition to the Paid Time Off plan offered by their employer.</p>	Nekia Burton Tucker; Lorraine Starsky; Shane Wooley
RESPONSE: <i>See response to Comment 24.</i>	
<p>33. We recommend the regulation be revised to reflect that paid time off is considered to be offered ‘under the same conditions’ as paid sick time under the Article.</p>	Diane Hughley

COMMENT	COMMENTER(S)
RESPONSE: See response to Comment 24.	
Section 2408	
34. We recommend that the paid sick days provision include a private right of action so individuals who have been harmed by a noncompliant employer have a legal remedy in court.	Susan Frietsche; Aliah Hasan
RESPONSE: Article XXIV does not prohibit an individual's right to private action.	
Section 2408, Subsection C	
35. We recommend that the regulation clarify if employees, in addition to employers, are subject to fines or other penalties if found in violation of paid sick leave provisions.	Eric Montarti
RESPONSE: As outlined in Section 2405, Subsection C, employer's may implement their absence control policy, allowing an absence to result in penalties such as discipline, discharge, demotion, suspension, or other adverse actions if an employee does not follow the applicable notification and documentation procedures found in Section 2404.	
Section 2413	
36. We recommend that the Allegheny County Health Department act quickly to exercise its rulemaking authority to formulate paid sick days rules and regulations for approval by County Council.	Nekia Burton Tucker; Susan Frietsche; Allegheny County Councilperson Bethany Hallam; Aliah Hasan; Joshua Kunkle; Robert Vargo; Shane Wooley
RESPONSE: The ACHD finds this comment to have merit and are working to put forward Article XXIV for consideration to County Council as soon as governing procedures allow.	
37. We recommend an implementation date January 1, 2022 to allow enough time for the enforcing body and area businesses to create needed frameworks to enact the regulation.	Diane Hughley
RESPONSE: See response to Comment 36.	

Commenter Reference

1. David Bigbee (identified as 'Sam the Snot' in oral comments)
2. Marcia Bandes
3. Tina Batra Hershey
4. Nekia Burton Tucker
5. James Conway
6. Dan Davis
7. Dana Dolney
8. Susan Frietsche (Senior Staff Attorney and Director, Western PA Program)
Submitted comment on behalf of Women's Law Project
9. Richard Gegick

10. Lisa J Gonzalez
11. Allegheny County Councilperson Bethany Hallam
12. Aliah Hasan (Peggy Browning Fellow)
Submitted comment on behalf of Women's Law Project
13. Diane Hughley (Government Affairs Coordinator)
Submitted comment on behalf of Greater Pittsburgh Chamber of Commerce
14. Kayla King
15. Joshua Kunkle
16. Dilini Lankachandra
Submitted comment on behalf of A Better Balance
17. Stephanie McQuaide
18. Rachel Masilamani
19. Larisa Mednis
20. Eric Montarti
Submitted comment on behalf of Allegheny Institute for Public Policy
21. Marie K Norman
22. Peter Oanes
23. Erica L. Payne
24. Sara Payo
25. William P. Reeves
26. Megan Rose
27. Dr. Robert Scherrer (Executive Director)
Submitted comment on behalf of Allegheny Intermediate Unit
28. Joseph D. Shaulis, Esq. (General Council)
Submitted comment on behalf of Allegheny Intermediate Unit
29. Jackie Smith
30. Lorraine Starsky
31. Taylor Stessney
32. Jay Ting Walker
33. Robert Vargo
34. Ted Weissgerber
35. Shane Wooley

ALLEGHENY COUNTY HEALTH DEPARTMENT

RULES AND REGULATIONS

ARTICLE XXIV. PAID SICK DAYS

Section 2401. AUTHORITY AND PURPOSE.

Pursuant to the authority granted to the Allegheny County Health Department under the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12010(f) and 12011(c), this regulation has been promulgated to promote and preserve the health of the residents of Allegheny County. Providing paid sick time to employees will help prevent and control the transmission of illnesses and disease among coworkers and allow employees and their families with the time to recover from the illness and thereby reduce the likelihood of more severe illness, hospitalizations, and loss of work.

Section 2402. DEFINITIONS.

The following words, terms and phrases when used in this Article shall be defined as follows, unless the context clearly indicates otherwise:

Agency. A Department or other County agency designated by the Allegheny County Manager to effectuate the provisions of this Article.

Calendar Year. A regular and consecutive 12-month period, as determined by an employer and communicated to all employees.

Employ. Is as defined in the Act of January 17, 1968, P.L. 11, No. 5, 43 P.S. § 333.103(f).

Employee. Is as defined in 43 P.S. Section 333.103 (h). For the purposes of this Article, “employee” shall not include independent contractors, State and Federal employees or seasonal employees.

Employer. A person, partnership, limited partnership, association, or unincorporated or otherwise, corporation, institution, trust, government body or unit or agency, or any other entity situated or doing business within the geographical boundaries of Allegheny County and that employs one (1) or more persons for a salary, wage, commission or other compensation. For the purposes of this Article, “employer” does not include either of the following:

1. The United States Government; and
2. The State of Pennsylvania including any office, department, agency, authority, institution, association or other body of the state, including the legislature and the judiciary.

Family Member. Any one of the following:

1. A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis;
2. A biological, foster, adoptive, or step-parent, or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child;
3. A person to whom the employee is legally married under the laws of any state;
4. A grandparent or spouse or domestic partner of a grandparent;
5. A grandchild;
6. A biological, foster, or adopted sibling;
7. A domestic partner; or
8. Any individual for whom the employee has received permission from the employer to care for at the time of the employee's request to make use of paid sick time.

Health Care Professional. Any person licensed under Federal or Pennsylvania law to provide medical or emergency services, including but not limited to doctors, nurses, and emergency room personnel.

Paid Sick Time. Time that is compensated at the same base rate of pay, and with the same benefits, including health care benefits, as an employee would have earned at the time of their use of the paid sick time. In no case shall the hourly wage with which an employee making use of paid sick time is compensated be less than that provided under 43 P.S. § 333.104(a). Employees making use of paid sick time shall not be entitled to compensation for lost tips or commissions, and compensation shall only be required for hours that an employee was scheduled to have worked.

Registered Apprenticeship Program. An apprenticeship program that is registered with and approved by the United States Department of Labor and which meets not less than two of the following requirements: (A) has active, employed, registered apprentices; (B) has graduated apprentices to journey worker status during a majority of the years that the program has been in operation; or (C) has graduated apprentices to journey worker status during three of the immediately preceding five years, provides each trainee with combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade and meets the program performance standards of enrollment and graduation under 29 C.F.R. Part 29, section 29.63.1.

Seasonal Employee. A person who has been hired for a temporary period of not more than sixteen weeks during a calendar year and has been notified in writing at the time of hire that the individual's employment is limited to the beginning and ending dates of the employer's seasonal period, as determined by the employer.

Section 2403. ACCRUAL OF PAID SICK TIME.

- A. All employees shall be entitled to accrue paid sick time, as provided under the terms of this Article.
- B. All employees of employers with twenty-six (26) or more employees shall accrue a minimum of one (1) hour of paid sick time for every 35 hours worked within the geographical boundaries of Allegheny County unless the employer provides a faster accrual rate, and shall be permitted to accrue no more than 40 hours of paid sick time in a calendar year, unless the employer designates a higher amount. At no point shall an employee of an employer with 26 or more employees be permitted to have access to more than 40 hours of paid sick time, unless the employer designates a higher amount.
- C. Employees who are exempt from overtime requirements under 29 U.S.C. § 213(a)(1) of the Federal Fair Labor Standards Act will be assumed to work 40 hours in each workweek for purposes of paid sick time accrual, unless their normal workweek is less than 40 hours, in which case paid sick time accrues based upon that employee's normal workweek.
- D. The accrual of paid sick time, as provided in this Article, shall begin on the effective date as provided in Section 2413, as to an employee who is employed as of such effective date. All employees who become employed after such effective date shall begin to accrue paid sick time at the commencement of their employment.
- E. All employees shall be entitled to use accrued paid sick time beginning on the 90th calendar day following the commencement of their employment.
- F. Accrued paid sick time shall be carried over to the following calendar year, except when an employer that employs twenty-six (26) or more employees provides at least 40 hours of paid sick time at the beginning of each calendar year. If such employer provides less than 40 hours of paid sick time at the beginning of each calendar year, then the employee may carry over accrued paid sick time so long as the total paid sick time available does not exceed 40 hours.
- G. An employer shall not be obligated to provide financial or other reimbursement to an employee upon the employee's termination, resignation, retirement, or other separation from employment for unused paid sick time that has been accrued.
- H. If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all paid sick time accrued at

the prior division, entity or location and is entitled to use all paid sick time as provided in this Section.

- I. When there is a separation from employment and the employee is rehired within 6 months of separation by the same employer, previously accrued paid sick time that had not been used shall be reinstated. The employee shall be entitled to use accrued paid sick time and accrue additional paid sick time at the re-commencement of employment.
- J. When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all paid sick time accrued when employed by the original employer and are entitled to use all paid sick time previously accrued.
- K. Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid sick leave sufficient to meet the accrual requirements of this Section that may be used for the same purposes and under the same conditions as paid sick time under this Article is not required to provide additional paid sick time.
- L. Any employer with a collective bargaining agreement that makes available a sufficient amount of paid sick leave to meet the accrual requirements of this Section that may be used for the same purposes and under the same conditions as paid sick time under this Article is not required to provide additional paid sick time.

Section 2404. USE OF PAID SICK TIME.

- A. The paid sick time accrued by an employee may be used for:
 - 1. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
 - 2. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care; or
 - 3. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease, whether or not the family member has actually contracted the communicable disease.

- B. A request shall be provided to the employer by the employee upon the use of paid sick time. The request shall include the anticipated duration of the absence when possible. An employer shall be permitted to maintain its own notification policy that shall dictate how soon before an employee's shift the employee must make their oral request to make use of paid sick time, provided:
1. The employer's notification policy shall be reasonable and shall not obstruct an employee's use of paid sick time.
 2. If an employer does not maintain its own notification policy, an employee shall provide their request for the use of paid sick time to the employer at least one (1) hour prior to the start of their shift.
 3. In the event such need for paid sick time is not foreseeable by the employee, the employee shall make a good faith effort to notify the employer as soon as possible.
- C. In the event that the need for the use of paid sick time is known to the employee in advance, such as a scheduled appointment with a health care provider, the employer may require reasonable advance notice of the intention to use such paid sick time not to exceed seven days prior to the date such paid sick time is to begin. The employee shall make a reasonable effort to schedule the use of paid sick time in a manner that does not unduly disrupt the operations of the employer. In the event of such need for paid sick time is not foreseeable by the employee, or should an employee be unable to meet the seven-day requirement contained herein, an employee shall make a good faith effort to notify the employer as soon as possible of the need to use paid sick time in such a situation.
- D. An employee may use their paid sick time in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.
- E. For the use of paid sick time that lasts three (3) or more full consecutive days, an employer may require the employee to present reasonable documentation that the paid sick time has been used for a purpose covered and protected by the terms of this Article. For the purposes of this Section, documentation signed by a health care professional indicating that paid sick time is necessary shall be considered reasonable documentation. An employer may not require that the documentation explain the precise nature of the illness.
- F. An employer may not require that an employee making use of accrued paid sick time search for or find a replacement worker to cover the hours during which the employee is on using paid sick time as a condition for providing paid sick time.

Section 2405. EXERCISE OF RIGHTS PROTECTED; RETALIATION PROHIBITED.

- A. It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under the terms of this Article.
- B. An employer shall not retaliate or discriminate against an employee because the employee has exercised rights protected under the terms of this Article. Such rights include but are not limited to the right to use paid sick time pursuant to this Article; the right to file a complaint with the Agency or a court; the right to inform any person about any employer's alleged violations of this Article; and the right to inform any person of his or her potential rights under this Section.
- C. It shall be a violation of this Article for any employer's absence control policy to count paid sick time taken under this Article as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action unless the Employee does not follow the applicable notification and documentation procedures in Section 2404.
- D. The protections afforded pursuant to the terms of this Section shall apply to any person who mistakenly but in good faith alleges violations of this Section.
- E. There shall be a rebuttable presumption of unlawful retaliation under this Section whenever an employer takes adverse action against a person within 90 days of when that person:
 - 1. Files a complaint with the Agency or a court alleging violation of any provision of this Section;
 - 2. Informs any person about an employer's alleged violation of this Section;
 - 3. Cooperates with the Agency or other persons in the investigation or prosecution of any alleged violation of this Section;
 - 4. Opposes any policy, practice, or act that is unlawful under this Section; or
 - 5. Informs any person of his or her rights under this Section.

Section 2406. NOTICE.

- A. Employers shall give written notice that employees are entitled to paid sick time, the amount of paid sick time, and the terms of its use guaranteed under this Article, that retaliation against employees who request or use paid sick time is prohibited and that each employee has the right to file a complaint with the Agency if paid sick time as required by this Section is denied by the employer or the employee is retaliated against for requesting or taking paid sick time.

- B. The Agency shall have the power to determine the mechanism by which employers comply with this Section and shall make this determination before the effective date of this Article.
- C. The Agency shall promulgate all material relevant to this Section and necessary for an employer to comply with the requirements of this Section, making said material available through the County website.
- D. All County Departments shall allow the Agency, with appropriate notice and at a mutually agreeable time, to access the records necessary to enforce compliance under this Section.
- E. An employer who willfully violates the notice requirements of this Section shall be subject to a civil fine in an amount not to exceed \$100 for each separate offense.

Section 2407. EMPLOYER RECORDS.

- A. Employers shall retain records documenting hours worked by employees and paid sick time taken by employees, for a period of two years, and shall allow the Agency access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of the Article.
- B. When an issue arises as to an employee's entitlement to paid sick time under this section, if the employer does not maintain or retain adequate records documenting hours worked by the employee and paid sick time taken by the employee, or does not allow the Agency reasonable access to such records, it shall be presumed that the employer has violated the Article, absent clear and convincing evidence otherwise.

Section 2408. ENFORCEMENT.

- A. An employer, employee, or authorized representative may report to the Agency any suspected violation of this Article. The complaint shall be filed within six months of the date the complainant knew or should have known of the alleged violation.
- B. The Agency shall have the authority to enforce this Article and may adopt appropriate policies or guidelines relating to the confidentiality of the complainant and to implement and enforce this Article.
- C. An employer who willfully violates the rules of this Article shall be subject to a fine or penalty in an amount not to exceed \$100 for each separate offense, provided, however, that no fines or penalties shall be levied by the Agency against any employer within one calendar year of the effective date of this Article.

Section 2409. CONFIDENTIALITY AND NONDISCLOSURE.

- A. An employer may not require disclosure of details relating to an employee's or an employee's family member's medical condition as a condition of providing paid sick time under this Article.
- B. If an employer possesses health information about an employee or an employee's family member, such information shall be treated as confidential and not disclosed, except to the affected employee or with the written permission of the affected employee in accordance with applicable Federal and State medical privacy provisions.

Section 2410. EFFECT ON OTHER LAW, POLICY, REGULATION OR CONTRACT.

- A. Nothing in this Article shall be construed to discourage or prohibit an employer from the adoption or retention of a paid sick time policy more generous than the one required herein.
- B. Nothing in this Article shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employee benefit plan or other agreement providing more generous paid sick time to an employee than required herein.
- C. Nothing in this Article shall be construed as diminishing the rights of public employees regarding paid sick time or use of paid sick time as provided in the laws of Pennsylvania.

Section 2411. EFFECT OF ARTICLE; MINIMUM STANDARDS; APPLICABILITY.

- A. This Article provides minimum requirements pertaining to paid sick time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, ordinance, regulation, requirement, policy or standard that provides for greater accrual or use by employees of paid sick time or that extends other protections to employees.
- B. Except as provided in Subsection C, this Article shall not apply to any municipality within Allegheny County that has enacted an ordinance on paid sick time so long as such ordinance is not less stringent than the requirements under this Article.
- C. The Agency shall have the authority to enforce this Article in a municipality within Allegheny County that has enacted an ordinance on paid sick time if the Agency determines that the municipality is unwilling or unable to enforce its ordinance.

Section 2412. PUBLIC EDUCATION/OUTREACH.

The Agency shall develop multilingual informational materials to inform employers and employees about the availability of paid sick time under this Article. This program shall include the development of notices and other written materials in English and in other languages and outreach to employers and employees for whom English is not a first language and/or who may otherwise have difficulty interpreting or understanding the provisions of this Article when expressed in written English.

Section 2413. EFFECTIVE DATE.

The provisions of Section 2406 shall become effective immediately upon final approval. The remaining provisions of this Article shall take effect on the 90th calendar day following the posting of the notice information for employers by the Agency, pursuant to the terms of Section 2406.



Certified Food Protection Manager Training Fees

Proposed Pricing Increase to help
meet demands of modern workforce





Financial Overview

The current pricing structure, set in 2106, is significantly below market rate and does not meet actual costs of providing training and testing services.

Current ACHD Pricing

Current ACHD Certification Fees	
2 Day	\$100
1 Day	\$80
Test Only	\$60

Market Rate

Market Rate CFPM Pricing	
2 Day	N/A
1 Day	\$180-\$340
Test Only	\$100

Proposed ACHD Pricing

Proposed ACHD Cert. Fees	
2 Day	\$135
1 Day	\$105
Test Only	\$65



EH Fund Request: Lead (Pb) Community Outreach Coordinator

July 14, 2021

Housing and Community Environment Program





Lead Community Outreach Coordinator

- **New, full-time, 1-year position.**
- **Funded 50% by PWSA Settlement Fund which is limited to the PWSA service area.**
- **Goal is to fund remaining 50% through this EH Fund request so work can be performed Countywide, with a focus on areas identified as high-risk for lead exposure.**



Lead Community Outreach Coordinator

The Coordinator will focus on education and outreach initiatives to prevent childhood lead exposure. Duties will include, but are not limited to:

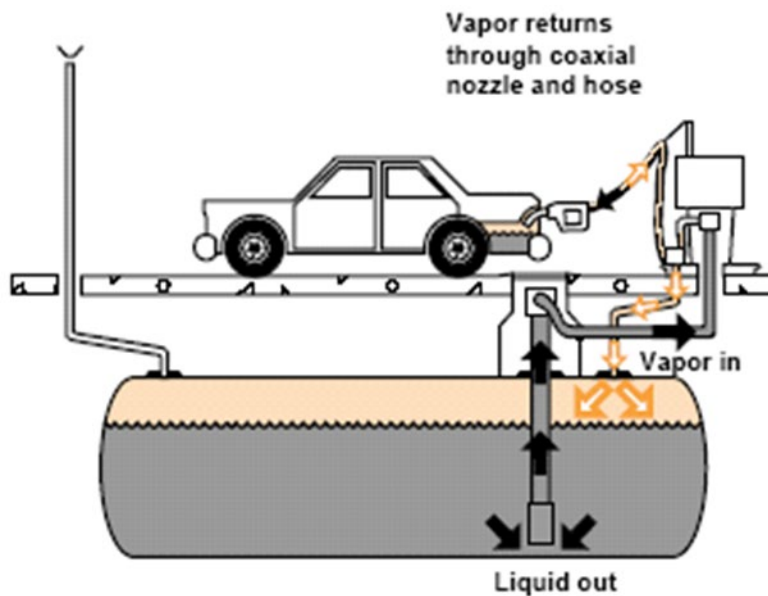
- **Developing and updating educational materials.**
- **Building relationships with community leaders, organizations, and partners to identify opportunities for community outreach.**
- **Creating a registry of community-based organizations to build the department's capacity for outreach about lead primary prevention.**
- **Developing and initiating a three-year outreach plan to support the Health Department's goals around lead exposure, testing, and prevention.**



Stage II Vapor Recovery Amendments

Board of Health
July 14, 2021

Vapor Recovery System



- Stage I: Transfer of gasoline from truck to storage tank.
- Stage II: Transfer of gasoline from storage tank to vehicle.



Stage II in Allegheny County

- Stage II requirements are in place as an ozone-precursor reduction measure.
- Over 90 percent of Stage II systems use vacuum-assist nozzles.
- Stage II equipment is still required and operating in Allegheny County.
- Due to vehicle onboard recovery, Stage II systems are no longer providing net positive emission reductions.



Stage II Changes

- EPA has now waived the CAA Stage II requirements to allow for states to repeal Stage II programs.
- Analysis indicates that Stage II started increasing emissions in Pittsburgh in 2021.
- Nevertheless, Stage II requirements do achieve emission reductions for specific equipment.
- Proposed requirements keep beneficial elements of Stage II to hold fugitive emissions in check.



Revised Article XXI Sections

The draft proposal would:

- Update gasoline tanker unloading rules.
- Remove installation requirements & some test procedures.
- Add new test procedures.
- Add decommissioning instructions.

Proposed

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

For the

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

Revision Tracking No. 91

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

**§2105.13, Gasoline Loading Facilities
§2105.14, Gasoline Dispensing Facilities – Stage II Control**

Table of Contents

1. Proposed changes to Article XXI Rules and Regulations:
 - §2105.13, Gasoline Loading Facilities
 - §2105.14, Gasoline Dispensing Facilities – Stage II Control
2. Technical Support Document
 - A. Comparison of Article XXI changes to 25 Pa. Code Chapter 129.61 and 129.82 changes
 - B. Proposed 25 Pa. Code Chapter 129.61a and 129.82a from Annex to proposed Final PA DEP Rulemaking as of 2.25.2021
3. Documentation of Public Hearing and Certifications (all Later)
 - a. Public hearing notice
 - b. Transmittals of hearing notice to EPA & PA DEP
 - c. Proof of publication of notice of hearing
 - d. Certification of hearing
 - e. Summary of Comments and responses
 - f. Certifications of approval and adoption

1. Proposed Revision

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

PART E - SOURCE EMISSION AND OPERATING STANDARDS

....

SUBPART 1 - VOC SOURCES

....

§2105.13 GASOLINE LOADING FACILITIES *{Subsection e amended mm/dd/20nn, effective mm/dd/20nn}*

- a. **Handling.** No person shall handle, or allow to be handled, gasoline in any bulk gasoline terminal, bulk gasoline plant, or other source subject to this Section in such manner that it is spilled, discarded in sewers, stored in open containers, or otherwise handled so as to result in uncontrolled evaporation into the open air.
- b. **Transfers.** No person shall transfer, or allow the transfer of, gasoline between any tank truck or trailer and any stationary storage tank located in a bulk gasoline terminal or bulk gasoline plant, or any small gasoline storage tank to which Subsection e below applies, unless:
 1. A vapor balance system is in good working order and is designed and operated during the transfer in such manner that:
 - A. Gauge pressure does not exceed 18 inches of water and vacuum does not exceed six inches of water in the gasoline tank truck;
 - B. Readings do not equal or exceed 100 percent of the lower explosive limit (LEL, measured as propane) at one inch from all points on the perimeter of a potential leak source when measured by the method referenced in §2107.04 of this Article during transfer operations; and
 - C. There are no avoidable visible liquid leaks during trans operations;
 2. Any truck, vapor balance system, or vapor disposal system, where applicable, that exceeds the limits in Paragraph b.1 above is repaired and retested according to the method referenced in §2107.04 of this Article within 15 days;
 3. There are no visually or audibly detectable leaks in the pressure/vacuum relief valves and hatch covers of the tank truck or the pressure/relief valves and hatch covers of the trailer, the truck tanks or storage tanks, or associated vapor and liquid lines during transfer; and
 4. The pressure and vacuum relief valves on stationary and vehicular tanks are set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum or the highest allowable pressure and vacuum as specified in state or local fire codes, or the National Fire Prevention Association guidelines or other national consensus standard approved in writing by the Department. Upon demonstration to the Department's written satisfaction

by the owner or operator of an underground small gasoline storage tank that the vapor balance system required by Subsection e below will achieve a 90% vapor recovery efficiency without a pressure and vacuum relief valve and that an interlock system sufficient to ensure connection of the vapor recovery line prior to transfer of gasoline will be used, no pressure and vacuum relief valve shall be required. The vacuum setting on the pressure and vacuum relief valve on an underground storage tank may be set at the lowest vacuum setting which is sufficient to keep the vent closed at zero pressure and vacuum.

- c. **Bulk Gasoline Terminals.** No person shall load, or allow to be loaded, gasoline from a bulk gasoline terminal into a vehicular tank unless:
1. There is in operation on the gasoline loading racks a vapor collection and disposal system reducing uncontrolled emissions by at least 90% by weight or emitting no more than 0.0668 pounds of gasoline for every 100 gallons of gasoline loaded;
 2. There is in operation on the gasoline loading racks a loading arm with a vapor collection adaptor and pneumatic, hydraulic or other mechanical means to force a vapor-tight seal between the adaptor and the hatch of the vehicular tank. A means shall also be provided to prevent gasoline drainage from the loading device when it is not connected to the hatch, and to accomplish complete drainage before disconnection. When loading is done by means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which are closed when disconnected; and
 3. Any person who operates, or allows to be operated, a bulk gasoline terminal shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.

Compliance testing shall be done according to the provisions of §2107.04 of this Article.

- d. **Bulk Gasoline Plants.** No person shall load, or allow to be loaded, gasoline from a bulk gasoline plant stationary tank into a vehicular tank unless such loading is done by means of bottom filling with the inlet flush with the vehicular tank bottom or by means of top-submerged filling with the fill pipe extending to within six inches of the bottom of the vehicular tank throughout the loading operation.

In addition, no person shall load, or allow to be loaded, gasoline into any stationary tank of a bulk gasoline plant, or from any such stationary tank into a vehicular tank, unless:

1. There is in operation on such stationary tank:
 - A. A vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; or
 - B. A floating roof complying with Paragraph b.1 and Subsection c of §2105.12 under this Article and a vapor recovery and disposal system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; and
2. Any person who operates, or allows to be operated, a bulk gasoline plant shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.

- e. **Small Gasoline Storage Tanks.** No person shall load, or allow to be loaded, gasoline from any vehicular tank into any stationary storage tank having a capacity of 250 gallons or more if installed on or after January 1, 1979, or 2,000 gallons or more if installed before January 1, 1979, which is located in any gasoline handling facility unless there is in operation on such storage tank a vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section and unless the stationary tank is equipped with a submerged fill pipe extending to within six inches of the bottom of the tank throughout the loading operation.

The dispensing delivery tank shall remain vapor tight at all times except after all vapors have been disposed of in accord with the provisions of this Section.

Stationary storage tanks with a capacity less than 550 gallons that are used for agricultural purposes and that are equipped with a submerged fill pipe shall be exempted from the provisions of this Subsection.

1. **An owner or operator of a gasoline storage tank subject to this subsection may also be subject to 25 Pa. Code §129.61a, “Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control,” which is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.61a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.**
2. **For the purposes of this subsection, references in 25 Pa. Code §129.61a to:**
 - A. **“Department” shall mean Department as defined under this Article, except at 25 Pa. Code §129.61a(k)(2) relating to PA DEP publishing notice in the Pennsylvania Bulletin of a CARB Executive Order of Certification of a second manufacturer for an enhanced conventional nozzle;**
 - B. **25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;**
 - C. **25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and**
 - D. **“Plan approval” shall mean Installation Permit.**

§2105.14 GASOLINE DISPENSING FACILITIES – STAGE II CONTROL

{Section amended June 13, 2005, effective July 10, 2005. Section amended mm/dd/20nn, effective mm/dd/20nn.}

- a. **Applicability.** This Section applies to the owner or operator of a gasoline dispensing facilities facility equipped with a Stage II vapor recovery system with throughputs greater than 10,000 gallons per month. In the case of independent small business marketers of gasoline, as defined in Section 324 of the Clean Air Act (42 U.S.C.A. §7625(e)), this Section does not apply if the throughput is less than 50,000 gallons per month.
- ~~b. **Requirement for Stage II Control.** After the date specified in Subsection c, an owner or operator of a gasoline dispensing facility subject to this Section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 95% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling, and the captured vapors are returned to a vapor tight holding system or vapor control system.~~
- ~~c. **Compliance Schedule.**~~
- ~~1. Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.~~
 - ~~2. Facilities which dispense greater than or equal to 120,000 gallons of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall have achieved compliance by July 1, 1999.~~
 - ~~3. Facilities which dispense greater than 90,000 gallons per month but less than 120,000 gallons per month based on average monthly sales during calendar years 1995 and 1996 shall have achieved compliance by December 31, 2000.~~
- ~~d. **Definition.** For the purposes of this Section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.~~

- b. 25 Pa. Code §129.82a, “Requirements to decommission a Stage II vapor recovery system,” is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.82a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.**

For the purposes of this subsection, references in 25 Pa. Code §129.82a to:

- 1. “Department” shall mean Department as defined under this Article;**
- 2. 25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;**
- 3. 25 Pa. Code §129.82, shall mean Article XXI, §2105.14;**
- 4. 25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and**
- 5. “Plan approval” shall mean Installation Permit.**

Ce. **General Requirements.** **The owner or operator** ~~Owners or operators, or both, of a~~ gasoline dispensing ~~facilities~~ **facility** subject to this Section shall **meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under 25 Pa. Code §129.82a, (relating to requirements to decommission a Stage II vapor recovery system):**

1. ~~Install necessary Stage II vapor collection and control systems, provide~~ **Maintain a Department approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 95% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.**

2. **Provide** necessary maintenance and make modifications necessary to comply with the requirements **this section.**

3~~2.~~ Provide adequate training and written instructions to the operator of the ~~affected~~ gasoline dispensing facility to assure proper operation of the **Stage II vapor recovery** system.

4~~3.~~ Immediately remove from service and tag any **a** defective **vapor recovery hose, nozzle or other component of the** ~~dispensing~~ **Stage II vapor recovery** system until the defective component is replaced or repaired.

A. A component removed from service may not be returned to service until the defect is corrected.

B. If the Department finds **during an inspection** that a defective **vapor recovery hose, nozzle or other component of the** ~~dispensing~~ **Stage II vapor recovery** system is not properly tagged ~~during an inspection,~~ the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.

5~~4.~~ Conspicuously post **the** operating instructions for the **gasoline dispensing** system in the gasoline dispensing area which, at a minimum, include:

A. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.

B. A warning that continued attempts to dispense gasoline after the system indicates that the **motor** vehicle fuel tank is full may result in spillage **and**

contamination of the air or water or recirculation of the gasoline into the vapor collection recovery system.

- C. A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

65. Comply with the functional testing and certification requirements specified in EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act ~~to meet the Clean Air Act requirements, conduct Department approved efficiency tests upon installation, addition, or replacement of one or more underground storage tanks, and conduct compliance tests at intervals thereafter according to the following schedule:~~

- A. ~~For vapor balance systems, a pressure decay or leak test once every 5 years, a dynamic back pressure test once every 5 years, and a blockage test once every 5 years; or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance recovery system shall conduct the following test procedures:**
- i. **A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
 - ii. **A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- B. ~~For vacuum assist systems, including Healy systems, a pressure decay or leak test once every 12 months, and an air to liquid volume ratio test once every 12 months; or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.**

- C. The owner or operator of a gasoline dispensing facility that conducts a test procedure under subparagraph A or B shall do all of the following:**
- i. Conduct the test procedures in subparagraph A simultaneously, consecutively or separately at different times of the 5-year period.**
 - ii. Conduct the test procedure in subparagraph B simultaneously with, consecutively with or separately from the test procedures in 25 Pa. Code §129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.**
 - iii. Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.**
 - iv. Record all of the following information, as applicable, for each test procedure performed under subparagraph A or B:**
 - (a) The name of the test procedure.**
 - (b) The name of the person performing the test procedure.**
 - (c) The date the test procedure was performed.**
 - (d) The result of the test procedure.**
 - (e) The date, time, type and duration of a test procedure failure.**
 - (f) The name of the person correcting the test procedure failure.**
 - (g) The date the test procedure failure was corrected.**
 - (h) The action taken to correct the test procedure failure.**

C. For all other systems, tests and a testing schedule as approved by the Department.

76. Maintain written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of **the gasoline dispensing system test procedure** results, monthly throughput, type and duration of any failures **failure** of the system, maintenance and repair activities, training, and compliance records. The records shall be kept for ~~at least~~ two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date, **unless a longer period is required under Parts B and C (relating to construction, modification, reactivation and operation of sources) or an installation permit, operating permit, consent decree or order issued by the Department.**
- f. ~~**Exception.** The requirements of this Section shall not be effective unless such requirements are specifically mandated by controlling federal or state laws or regulations. Any rescission of the controlling federal and state laws and regulations mandating these requirements, or the suspension of enforcement of the same, shall result in the immediate suspension of the requirements of this Section by the Department.~~
- ...d. Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to §129.61a and § 129.82a.**

End of Regulation Changes

2. Technical Support Document - General

This regulation revision will begin the process of decommissioning Stage II requirements for gasoline dispensing facilities in Allegheny County.

Section 202(a)(6) of the Clean Air Act (CAA) allows the EPA to revise or waive CAA §182(b)(3) Stage II requirements in moderate or above ozone nonattainment areas after EPA determines that Onboard Refueling Vapor Recovery (ORVR) is in widespread use.

EPA has now waived the CAA Stage II requirements for moderate and worse nonattainment areas. These waivers enable states to repeal Stage II programs.

ORVR systems act like a Stage II system on a vehicle. They capture vapors in a canister to be combusted later. However, the ORVR systems can be incompatible with Stage II systems. The vacuum-assisted Stage II systems pull air from the ORVR vehicles and return the air to the storage tank. The air returned to the storage tank pulls vapor out of the liquid fuel in the tank, which, under certain conditions, is vented to the atmosphere. Over 90% of Stage II systems in Pennsylvania use vacuum assist nozzles (the other system is called a vapor balance Stage II system).

The Pennsylvania Department of Environmental Protection (DEP) has performed the analysis regarding removal of Stage II systems in the state. According to DEP's analysis, using an EPA provided tool, ORVR is in widespread use and there is no concern that removing the Stage II systems from operation in the state will result in backsliding. DEP's analysis indicated that Stage II actually started increasing emissions in Pittsburgh in 2017. The DEP will prepare and submit to the EPA, a Non-Interference Demonstration or NID to satisfy the requirements of Clean Air Act Section 110(l) for both all counties in Pennsylvania where the Stage II requirements applied. The U.S. EPA has directed that this single NID will be sufficient, and that neither air agency in Allegheny County nor Philadelphia needs to develop its own NID. Therefore, ACHD is not submitting an NID as part of this SIP submittal.

DEP has initiated proposed regulations to require the removal of Stage II controls in Pennsylvania. They have prepared draft changes to 25 Pa. Code §129.61, "Small gasoline storage tank control (Stage I control), and §129.82, "Control of VOCs from gasoline dispensing facilities (Stage II)." In addition, DEP also found during their analysis that some Stage II elements – annual leak decay inspections, annual pressure vacuum vent valve tests and others - are beneficial to hold fugitive emissions in check. They have proposed new requirements to prevent leaks, and are adding two new sections to their regulatory code: 25 Pa. Code §129.61a, "Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control," and the actual decommissioning requirements at §129.82a, "Requirements to decommission a Stage II vapor recovery system."

With this regulation revision, ACHD is promulgating regulations to be included in Article XXI that are similar to those contained in 25 Pa. Code.

Article XXI, §2105.13.e is being revised to incorporate regulatory language similar to the changes made to 25 Pa. Code §129.61, and will incorporate by reference the newly proposed 25 Pa. Code §129.61a.

Article XXI, §2105.14 is being revised to incorporate regulatory language similar to the changes made to 25 Pa. Code §129.82, and will incorporate by reference the newly proposed 25 Pa. Code §129.82a.

The revisions to §2105.13 and §2105.14, will enable the Air Program to enforce the new Pennsylvania gasoline dispensing facility regulations within Allegheny County and will allow for statewide consistency.

[Note: There was no need to make any changes to Article XXI, §2101.20, “Definitions,” since none of the proposed DEP changes to 25 Pa. Code §121.1, “Definitions,” involved the definitions of words already included in Article XXI, §2101.20, and because the related definitions were incorporated by reference by Article XXI, §2105.13 and §2105.14.]

These changes are being submitted as SIP changes.

2.A. Technical Support Document –

**Comparison of Article XXI changes to
25 Pa. Code Chapter 129.61 and 129.82 changes**

Art. XXI / Pa Code Comparison

Art. XXI, § 2105.13 Gasoline Loading Facilities

Art. XXI

e. **Small Gasoline Storage Tanks.** No person shall load, or allow to be loaded, gasoline from any vehicular tank into any stationary storage tank having a capacity of 250 gallons or more if installed on or after January 1, 1979, or 2,000 gallons or more if installed before January 1, 1979, which is located in any gasoline handling facility unless there is in operation on such storage tank a vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section and unless the stationary tank is equipped with a submerged fill pipe extending to within six inches of the bottom of the tank throughout the loading operation.

The dispensing delivery tank shall remain vapor tight at all times except after all vapors have been disposed of in accord with the provisions of this Section.

Stationary storage tanks with a capacity less than 550 gallons that are used for agricultural purposes and that are equipped with a submerged fill pipe shall be exempted from the provisions of this Subsection.

3. An owner or operator of a gasoline storage tank subject to this subsection may also be subject to 25 Pa. Code §129.61a, “Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control,” which is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.61a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

4. For the purposes of this subsection, references in 25 Pa. Code §129.61a to:

E. “Department” shall mean Department as defined under this Article, except at 25 Pa. Code §129.61a(k)(2) relating to PA DEP publishing notice in the Pennsylvania Bulletin of a CARB Executive Order of Certification of a second manufacturer for an enhanced conventional nozzle;

F. 25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;

G. 25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and

H. “Plan approval” shall mean Installation Permit.

25 Pa Code Ch. 129

§ 129.61. Small gasoline storage tank control (Stage I control).

(a) Applicability. This section applies Statewide to ~~stationary~~ the owner and operator of a gasoline storage ~~tanks tank~~ with a capacity of greater than 2,000 gallons.

(b) Transfer requirements. A person may not transfer gasoline from a ~~delivery vessel~~ gasoline tank truck into a ~~stationary~~ gasoline storage tank gasoline dispensing facility unless the displaced vapors from the storage tank are transferred to the dispensing ~~delivery~~ tank of the gasoline tank truck through a vapor ~~right~~ tight return line and unless the ~~receiving~~ gasoline dispensing facility storage tank is equipped with a submerged fill pipe which extends from the filling orifice to within 6 inches of the bottom of the ~~storage~~ tank. ~~The vapors collected in the dispensing tank shall be disposed of in accordance with § 129.59 or § 129.60(c) (relating to bulk gasoline terminals; and bulk gasoline plants).~~

(c) Gasoline tank truck dispensing tank requirements. The dispensing ~~delivery~~ tank of a gasoline tank truck shall must remain vapor tight at all times. ~~The delivery , except that the dispensing~~ tank may be opened after the vapors are disposed of ~~in~~ accordance with under § 129.59 or § 129.60(c).

(d) Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to §129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).

Notes

Article XXI, Section 2105.13.e and the first sentence of e.1 address the requirements of §129.61(a), (b), (c) and (d).

There is, of course no 25 Pa. Code language incorporating anything by reference. So, there is no Code Section equivalent to Section 2105.13.e.1 and e.2 of Article XXI. However, it's obvious, that new proposed § 129.61a, “Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control,” is integral to the rulemaking for ACHD as it contains what is being incorporated by reference into Article XXI.

See the PA DEP Annex for the text of § 129.61a.

Art. XXI / Pa Code Comparison

Art. XXI, § 2105.14 Gasoline Dispensing Facilities – Stage II Control

Art. XXI

- a. **Applicability.** This Section applies to the owner or operator of a gasoline dispensing facilities facility equipped with a Stage II vapor recovery system with throughputs greater than 10,000 gallons per month. In the case of independent small business marketers of gasoline, as defined in Section 324 of the Clean Air Act (42 U.S.C.A. §7625(e)), this Section does not apply if the throughput is less than 50,000 gallons per month.
- ~~b. **Requirement for Stage II Control.** After the date specified in Subsection c, an owner or operator of a gasoline dispensing facility subject to this Section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 95% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling, and the captured vapors are returned to a vapor tight holding system or vapor control system.~~
- ~~c. **Compliance Schedule.**~~
- ~~1. Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.~~
 - ~~2. Facilities which dispense greater than or equal to 120,000 gallons of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall have achieved compliance by July 1, 1999.~~
 - ~~3. Facilities which dispense greater than 90,000 gallons per month but less than 120,000 gallons per month based on average monthly sales during calendar years 1995 and 1996 shall have achieved compliance by December 31, 2000.~~
- ~~d. **Definition.** For the purposes of this Section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.~~

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

25 Pa Code Ch. 129

- (a) ~~[After the date specified in paragraph (1), (2) or (3), an owner or operator of a gasoline dispensing facility subject to this section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 90% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling and the captured vapors are returned to a vapor tight holding system or vapor control system.~~
- ~~(1) This paragraph applies to gasoline dispensing facilities located in areas classified as moderate, serious or severe ozone nonattainment areas under section 181 of the Clean Air Act (42 U.S.C.A. § 7511) including the counties of Berks, Bucks, Chester, Delaware, Montgomery, Philadelphia with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section shall not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).~~
- ~~– (i) Facilities for which construction was commenced after November 15, 1990, shall achieve compliance by May 15, 1993.~~
- ~~– (ii) Facilities which dispense greater than 100,000 gallons (378,500 liters) of gasoline per month, based on average monthly sales for the 2-year period immediately preceding November 15, 1992, shall achieve compliance by November 15, 1993.~~
- ~~– (iii) Other affected facilities shall achieve compliance by November 15, 1994.~~
- ~~(2) Gasoline dispensing facilities with annual throughputs greater than 10,000 gallons (37,850 liters) in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia shall be subject to this section immediately upon the addition or replacement of one or more underground gasoline storage tanks for which construction was commenced after November 15, 1992.~~
- ~~(3) This paragraph applies to gasoline dispensing facilities located in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland with monthly throughputs greater than 10,000 gallons (37,850 liters). In the case of independent small business marketers of gasoline as defined in section 325 of the Clean Air Act (42 U.S.C.A. § 7625a), this section does not apply if the monthly throughput is less than 50,000 gallons (189,250 liters).~~
- ~~(i) Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.~~
- ~~(ii) Facilities which dispense greater than or equal to 120,000 gallons (454,200 liters) of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall achieve compliance by July 1, 1999.~~
- ~~(iii) Facilities which dispense greater than 90,000 gallons (340,650 liters) per month but less than 120,000 gallons (454,200 liters) per month based on average monthly sales during calendar years 1995 and 1996 shall achieve compliance by December 31, 2000.~~
- ~~(4) For purposes of this section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.]~~

Applicability. This section applies to the owner and operator of a gasoline dispensing facility equipped with a Stage II vapor recovery system and located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County.

Art. XXI / Pa Code Comparison

Art. XXI, § 2105.14 Gasoline Dispensing Facilities – Stage II Control

Art. XXI

b. 25 Pa. Code §129.82a, “Requirements to decommission a Stage II vapor recovery system,” is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.82a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

For the purposes of this subsection, references in 25 Pa. Code §129.82a to:

6. “Department” shall mean Department as defined under this Article;
7. 25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;
8. 25 Pa. Code §129.82, shall mean Article XXI, §2105.14;
9. 25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and
10. “Plan approval” shall mean Installation Permit.

25 Pa Code Ch. 129

No corresponding Pa. Code language. See Notes.

Notes

There is, of course no 25 Pa. Code language incorporating anything by reference. So, there is no 25 Pa. Code Section equivalent to Section 2105.14.b of Article XXI. However, it’s obvious, that new proposed § 129.82a, “Requirements to decommission a Stage II vapor recovery system,” is integral to the rulemaking for ACHD as it contains what is being incorporated by reference into Article XXI.

See the PA DEP Annex for the text of § 129.82a.

Art. XXI / Pa Code Comparison

Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

ce. **General Requirements.** The owner or operator ~~Owners or operators, or both, of a~~ gasoline dispensing facilities ~~facility~~ subject to this Section shall **meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under 25 Pa. Code §129.82a, (relating to requirements to decommission a Stage II vapor recovery system):**

1. ~~Install necessary Stage II vapor collection and control systems, provide~~ **Maintain a Department approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 95% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.**
2. **Provide** necessary maintenance and make modifications necessary to comply with the requirements **this section.**
3. Provide adequate training and written instructions to the operator of the ~~affected~~ gasoline dispensing facility to assure proper operation of the **Stage II vapor recovery** system.
4. Immediately remove from service and tag ~~any~~ **a** defective **vapor recovery hose, nozzle or other component of the** ~~dispensing~~ **Stage II vapor recovery** system until the defective component is replaced or repaired.
 - A. A component removed from service may not be returned to service until the defect is corrected.
 - B. If the Department finds **during an inspection** that a defective **vapor recovery hose, nozzle or other component of the** ~~dispensing~~ **Stage II vapor recovery** system is not properly tagged ~~during an inspection~~, the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

.....
(b) **Operating requirements.** ~~[Owners or operators]~~ **The owner or operator**, or both, of **a** gasoline dispensing ~~[facilities]~~ **facility** subject to this section shall **meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system):**

(1) ~~[Install necessary Stage II vapor collection and control systems, provide]~~ **Maintain a Department-approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 90% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.**

(2) Provide necessary maintenance and make modifications necessary to comply with **[the requirements] this section.**

~~[(2)]~~ **(3)** Provide adequate training and written instructions to the operator of the **[affected]** gasoline dispensing facility to assure proper operation of the **Stage II vapor recovery** system.

~~[(3)]~~ **(4)** Immediately remove from service and tag ~~[any]~~ **a** defective **vapor recovery hose, nozzle or [dispensing] other component of the Stage II vapor recovery** system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds **during an inspection** that a defective **vapor recovery hose, nozzle or [dispensing] other component of the Stage II vapor recovery** system is not properly tagged ~~[during an inspection]~~, the component may not be returned to service until the defect is corrected ~~it~~ and the Department approves its return

Art. XXI / Pa Code Comparison

Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

c e. General Requirements.

.....

- § 4.** Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area which, at a minimum, include:
- A. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.
 - B. A warning that continued attempts to dispense gasoline after the system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor ~~collection~~ recovery system.
 - C. A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

Art. XXI

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

.....

(b) *Operating requirements...(continued)*

.....

- ~~[(4)]~~ (5) Conspicuously [~~post-operating~~] post the operating instructions for the gasoline dispensing system in the gasoline dispensing area which, at a minimum, include:
- (i) A clear description of how to correctly dispense gasoline with the vapor recovery nozzles [~~utilized~~] used at the site.
 - (ii) A warning that continued attempts to dispense gasoline after the system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor [~~collection~~] recovery system.
 - (iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

25 Pa Code Ch. 129

Notes

Art. XXI / Pa Code Comparison

Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

c.e. General Requirements.

-
- 6 §.** Comply with the functional testing and certification requirements specified in EPA’s Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act ~~to meet the Clean Air Act requirements, conduct Department approved efficiency tests upon installation, addition, or replacement of one or more underground storage tanks, and conduct compliance tests at intervals thereafter according to the following schedule:~~
- A. ~~For vapor balance systems, a pressure decay or leak test once every 5 years, a dynamic back pressure test once every 5 years, and a blockage test once every 5 years; or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance recovery system shall conduct the following test procedures:**
- iii. **A liquid blockage test procedure under CARB TP-201.6, “Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities,” adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- iv. **A dynamic backpressure test procedure under CARB TP-201.4, “Dynamic Back Pressure,” amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- B. ~~For vacuum assist systems, including Healy systems, a pressure decay or leak test once every 12 months, and an air to liquid volume ratio test once every 12 months; or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 “Air to Liquid Volume Ratio,” amended February 1, 2001, including updates and revisions, once in every 12-month period.**

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

.....

(c) (e) Functional testing and certification requirements. The ~~[owners or operators]~~ **owner and operator** of a gasoline dispensing ~~[facilities]~~ **facility subject to this section** shall comply with the functional testing and certification requirements specified in the EPA’s Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act ~~[to meet the Clean Air Act requirements].~~

- (1) The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance vapor recovery system shall conduct the following test procedures:**
- (i) A liquid blockage test procedure under CARB TP-201.6, “Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities,” adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- (ii) A dynamic backpressure test procedure under CARB TP-201.4, “Dynamic Back Pressure,” amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- (2) The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 “Air to Liquid Volume Ratio,” amended February 1, 2001, including updates and revisions, once in every 12-month period.**

Art. XXI / Pa Code Comparison

Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

c e. General Requirements.

6 §.

C. The owner or operator of a gasoline dispensing facility that conducts a test procedure under subparagraph A or B shall do all of the following:

- v. Conduct the test procedures in subparagraph A simultaneously, consecutively or separately at different times of the 5-year period.
- vi. Conduct the test procedure in subparagraph B simultaneously with, consecutively with or separately from the test procedures in 25 Pa. Code §129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.
- vii. Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.
- viii. Record all of the following information, as applicable, for each test procedure performed under subparagraph A or B:
 - (a) The name of the test procedure.
 - (b) The name of the person performing the test procedure.
 - (c) The date the test procedure was performed.
 - (d) The result of the test procedure.
 - (e) The date, time, type and duration of a test procedure failure.
 - (f) The name of the person correcting the test procedure failure.
 - (g) The date the test procedure failure was corrected.
 - (h) The action taken to correct the test procedure failure.

C. For all other systems, tests and a testing schedule as approved by the Department.

Art. XXI

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

.....
(c) (e) Functional testing and certification requirements. ... (continued)

.....
(3) The owner or operator of a gasoline dispensing facility that conducts a test procedure under paragraph (1) or (2) shall do all of the following:

- (i) Conduct the test procedures in paragraph (1) simultaneously, consecutively or separately at different times of the 5-year period.
- (ii) Conduct the test procedure in paragraph (2) simultaneously with, consecutively with or separately from the test procedures in § 129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.
- (iii) Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.
- (iv) Record all of the following information, as applicable, for each test procedure performed under paragraph (1) or (2):
 - (A) The name of the test procedure.
 - (B) The name of the person performing the test procedure.
 - (C) The date the test procedure was performed.
 - (D) The result of the test procedure.
 - (E) The date, time, type and duration of a test procedure failure.
 - (F) The name of the person correcting the test procedure failure.
 - (G) The date the test procedure failure was corrected.
 - (H) The action taken to correct the test procedure failure.

25 Pa Code Ch. 129

Art. XXI / Pa Code Comparison

Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

c.e. General Requirements.

-
- 7 €. Maintain written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of **the gasoline dispensing** system test **procedure** results, monthly throughput, type and duration of any ~~failures~~ **failure** of the system, maintenance and repair activities, training, and compliance records. The records shall be kept for ~~at least~~ two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date, **unless a longer period is required under Parts B and C (relating to construction, modification, reactivation and operation of sources) or an installation permit, operating permit, consent decree or order issued by the Department.**

Art. XXI

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

(b) Operating requirements.

.....

~~[(5)]~~ (6) Maintain records of **the gasoline dispensing** system test **procedure** results, monthly throughput, type and duration of any ~~[failures]~~ **failure** of the system and maintenance and repair records ~~[on the premises of the affected]~~ **onsite at the** gasoline dispensing facility. The records ~~[shall]~~ **must** be ~~[kept]~~:

(i) Maintained for ~~[at least]~~ 2 years, ~~[and shall be made]~~ **unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.**

(ii) Made available for inspection, upon request, by the Department.

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Notes

Art. XXI / Pa Code Comparison

Art. XXI – § 2105.14 Gasoline Dispensing Facilities – Stage II Control

Art. XXI

~~f. **Exception.** The requirements of this Section shall not be effective unless such requirements are specifically mandated by controlling federal or state laws or regulations. Any rescission of the controlling federal and state laws and regulations mandating these requirements, or the suspension of enforcement of the same, shall result in the immediate suspension of the requirements of this Section by the Department.~~

~~...d. Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to §129.61a and § 129.82a.~~

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§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II).

.....

~~(d) If an onboard canister refueling emissions control program has been fully implemented by the EPA by December 31, 2010, the operation and maintenance of Department approved Stage II systems will no longer be required in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland. Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a and § 129.82a..~~

Notes

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2.B. Technical Support Document –

**Proposed 25 Pa. Code §129.61a and §129.82a
from Annex to proposed Final PA DEP Rulemaking
as of 2.25.2021**

§121.1 DEFINITIONS

FINAL-FORM RULEMAKING
Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

CARB Executive Order—A document issued by CARB certifying [that a specified engine]one of the following, unless otherwise specified:

(i) That a specified engine family or model year vehicle has met applicable Title 13 CCR requirements for certification and sale in California.

(ii) That a specified Phase I vapor recovery system or component of a Phase I vapor recovery system meets applicable requirements for certification and sale in California.

(iii) That a specified type of non-vapor recovery equipment, such as a low permeation hose, is certified for use at a gasoline dispensing facility that does not have a Stage II vapor recovery system.

* * * * *

Dealer—A person who is engaged in the sale or distribution of new motor vehicles or new motor vehicles to the ultimate purchaser as defined in section 216(4) of the Clean Air Act (42 U.S.C.A. § 7550(4)).

Decommission—To permanently disconnect a Stage II vapor recovery system that is in active service by following procedures under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system).

Decorative interior panel—Interior wall paneling that is usually grooved, frequently embossed and sometimes grain printed to resemble various wood species. Interior panels are typically manufactured at the same facilities as tileboard, although in much smaller quantities. The substrate can be hardboard, plywood, MDF or particleboard.

* * * * *

Gasoline dispensing facility—A stationary facility with an underground storage tank from which gasoline is transferred to motor vehicle fuel tanks.

* * * * *

Monongahela Valley air basin—The following political subdivisions in Fayette County: Belle Vernon Borough, Brownsville Borough, Brownsville Township, Fayette City Borough, Jefferson Township, Newell Borough and Washington Township; the following political subdivisions in Washington County: Allenport Borough, California Borough, Carroll Township, Charleroi Borough, Coal Center Borough, Donora Borough, Dunlevy Borough, Elco Borough, Fallowfield Township, Finleyville Borough, Long Branch Borough, Monongahela City, New Eagle Borough, North Charleroi Borough, Roscoe Borough, Speers Borough, Stockdale Borough, Twilight Borough, Union Township and West Brownsville Borough; and the following political subdivisions in Westmoreland County: Monessen City, North Belle Vernon Borough, Rostraver Township and West Newton Borough.

Monthly throughput—The total volume of gasoline loaded into, or dispensed from, gasoline storage tanks located at a gasoline dispensing facility. The term is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during a single day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during the previous 364 days, and then dividing that sum by 12.

Motor vehicle—A self-propelled vehicle designed for transporting persons or property on a street or highway.

* * * * *

Petroleum refinery – A facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products, through distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

Phase I vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Stage I vapor recovery system.

Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

Phase II vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline storage tank at a gasoline dispensing facility to a motor vehicle fuel tank by returning the vapors to the storage tank.

(ii) The term includes a Stage II vapor recovery system.

Pittsburgh-Beaver Valley Area—The seven-county area comprised of the following Pennsylvania counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

* * * * *

Pressed glass—Glassware formed by placing a blob of molten glass in a metal mold, then pressing it with a metal plunger or “follower” to form the inside shape. The resultant piece, termed “mold-pressed,” has an interior form independent of the exterior, in contrast to mold-blown glass, whose interior corresponds to the outer form.

Pressure/vacuum vent valve—A relief valve installed on the vent stack of a gasoline storage tank system that is designed to open within a specific pressure range to protect the storage tank system from excessive pressure or vacuum.

Pretreatment coating—An organic coating that contains at least 0.5% acids by weight and is applied directly to metal surfaces of aerospace vehicles and components to provide surface etching, corrosion resistance, adhesion and ease of stripping.

* * * * *

Spray gun—A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

Stage I enhanced vapor recovery system—A Phase I vapor recovery system for which a CARB Executive Order has been issued certifying that it meets the enhanced vapor recovery system standards specified in the CARB CP-201, “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.”

Stage I vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Phase I vapor recovery system and a Stage I enhanced vapor recovery system.

Stage II vacuum assist vapor recovery system—A Stage II vapor recovery system that creates a vacuum to assist the movement of vapors back into the gasoline storage tank for storage or processing.

Stage II vapor balance vapor recovery system—A Stage II vapor recovery system that uses direct displacement to collect or process vapors at a gasoline dispensing facility.

Stage II vapor recovery system—

(i) Equipment and components that control vapors during the transfer of gasoline from a gasoline storage tank at a gasoline dispensing facility to a motor vehicle fuel tank and during the storage of gasoline at a gasoline dispensing facility.

(ii) The term includes a Phase II vapor recovery system, A STAGE II VACUUM ASSIST VAPOR RECOVERY SYSTEM AND A STAGE II VAPOR BALANCE VAPOR RECOVERY SYSTEM.

Stain—For purposes of wood furniture manufacturing operations under §§ 129.101—129.107, a color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate. The term includes nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains and toners.

* * * * *

Stockpiling—The act of placing, storing and removing materials on piles exposed to the outdoor atmosphere. Placing refers to the deposition of material onto the pile. Removing refers to disturbing the pile either for loading of material into or onto vehicles for transportation purposes or for material handling. Material that is not to be utilized in the production of a product or is not itself a useful product is excluded from the definition of stockpile material. Operations which consist entirely of transferring material between different transportation conveyances are also excluded from this definition.

Storage tank system—The term has the meaning as defined in section 245.1 (relating to definitions).

Strippable spray booth coating—A coating that meets the following requirements:

(i) Is applied to a spray booth wall to provide a protective film to receive overspray during a surface coating process including wood furniture manufacturing operations.

(ii) Is subsequently peeled off and disposed.

(iii) Reduces or eliminates the need to use solvents to clean spray booth walls by meeting the conditions of subparagraphs (i) and (ii).

* * * * *

Type II chemical milling maskant—A coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type II etchant.

UMI—The term has the meaning as defined under the term “certification categories” in section 245.1 (relating to definitions).

UMX— The term has the meaning as defined under the term “certification categories” in section 245.1 (relating to definitions).

Ullage—**The empty volume of a gasoline storage tank system that contains liquid gasoline, expressed as accumulated gallons of empty volume for all gasoline storage tanks in the manifold system.**

Ultimate consumer—With respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in a combustion unit or for purposes other than resale.

* * * * *

Ultra low emission vehicle—A vehicle certified as an ultra low emission vehicle under the Clean Air Act.

Underground storage tank – The term has the meaning as defined in section 245.1 (relating to definitions).

Undersea-based weapons systems components—The fabrication of parts, parts assembly or completed units of a portion of a missile launching system used on undersea ships.

§129.61a. Vapor Leak Monitoring Procedures and Other Requirements for Small Gasoline Storage Tank Emission Control

§ 129.61a. Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control.

(a) Applicability. Beginning _____ (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), this section applies to the owner and operator of a gasoline storage tank subject to § 129.61 (relating to small gasoline storage tank control (Stage I control)) if the gasoline storage tank is located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County and, if one of the following is met:

(1) Except as specified in paragraph (2), the gasoline dispensing facility has had a monthly throughput greater than 10,000 gallons (37,850 liters) of gasoline assessed on December 31 annually, beginning with the _____ (Editor's note: The blank refers to the year preceding the year this final-form rulemaking becomes effective) calendar year.

(2) The owner or operator of the gasoline dispensing facility is an independent small business marketer of gasoline as defined under section 324(c) of the Clean Air Act (42 U.S.C.A. § 7625(c)) and the gasoline dispensing facility has had a monthly throughput equal to or greater than 50,000 gallons (189,250 liters), assessed on December 31 annually beginning with the _____ (Editor's note: The blank refers to the year preceding the year this final-form rulemaking becomes effective) calendar year.

(3) The monthly throughput of the gasoline dispensing facility exceeds the applicable monthly throughput threshold of paragraph (1) or paragraph (2) at any time after _____ (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.) but later falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2). The owner

and operator of the gasoline dispensing facility remain subject to the applicable requirements of this section for the gasoline dispensing facility, even after the monthly throughput falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2).

(b) CARB vapor recovery test procedures. The following are the CARB vapor recovery test procedures specified in this section:

(1) CARB TP-201.1E—"Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves," adopted October 8, 2003, including updates and revisions.

(2) CARB TP-201.3—"Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities," adopted April 12, 1996 and amended March 17, 1999 and July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—"Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)," adopted March 17, 1999, including updates and revisions.

(4) CARB TP-201.1B – "Static Torque of Rotatable Phase I Adaptors," adopted July 3, 2002 and amended October 8, 2003, including updates and revisions.

(c) Vapor leak rate monitoring procedures. The owner or operator of a gasoline dispensing facility subject to this section shall monitor the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks in one of the following ways:

(1) Perform specified test procedures under subsection (d).

(2) Perform continuous monitoring under subsections (e), (h), (i) and (j).

(d) Vapor leak rate monitoring using specified test procedures. The owner or operator of a gasoline dispensing facility monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(1) shall do all of the following:

(1) Conduct each of the CARB TP-201.1E, CARB TP-201.3 and CARB TP-201.3C test procedures at least once in every 12-month period. Also, if the Stage I vapor recovery system is equipped with a rotatable adaptor, conduct a CARB TP-201.1B test procedure once in every 12-month period.

(i) These four test procedures may be conducted simultaneously, consecutively or separately at different times during the 12-month period.

(ii) Repair to a component on, or correction to, the Stage I vapor recovery system may not be made on the day of the CARB TP-201.3 or CARB TP-201.3C test procedure prior to completion of the test procedure.

(iii) Repair to a component on, or correction to, the Stage I vapor recovery system must be made within 10 days following a failed CARB TP-201.1E, CARB TP-201.3, CARB TP-201.1B or CARB TP-201.3C test procedure.

(iv) If a repair to a component on, or correction to, the Stage I vapor recovery system is made to pass the CARB TP-201.3 test procedure, then the CARB TP-201.3 test procedure must be conducted once in every 6-month period. The first test procedure conducted under this subparagraph must be conducted in the month that the repair to a component on, or correction to, the Stage I system is made under subparagraph (iii). The once-in-every-12-month period CARB TP-201.3 test procedure may resume when two consecutive once-in-every-6-month period CARB TP-201.3 test procedures do not reveal a failure requiring repair or correction.

(v) PERFORM CARB TP-201.1E, CARB TP-201.3, CARB TP-201.3C AND CARB TP-201.1B ON OR BEFORE _____ AND ON AN ANNUAL BASIS THEREAFTER. (Editor's note: The blank refers to the date 1 year after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

- (i) The name of the test procedure.
- (ii) The name of the person performing the test procedure.
- (iii) The date the test procedure was performed.
- (iv) The result of the test procedure.
- (v) The date, time, type and duration of the vapor leak rate failure.
- (vi) The name of the person correcting the vapor leak rate failure.
- (vii) The date the vapor leak rate failure was corrected.
- (viii) The action taken to correct the vapor leak rate failure.

(e) Continuous vapor leak rate monitoring. The owner or operator of a gasoline dispensing facility that is continuously monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(2) shall design, install, operate and maintain both of the following:

(1) A Stage I enhanced vapor recovery system for which a CARB Executive Order is issued, is valid at the time of installation and remains valid during the operation of the Stage I enhanced vapor recovery system.

(2) A continuous pressure monitoring system as identified in Exhibit 1 Section II, Exhibit 2 Section II and Exhibit 3 Section II of CARB Executive Order VR-202-R, "Relating to Certification of Vapor Recovery Systems Assist Phase II Enhanced Vapor Recovery (EVR) System including In-Station Diagnostics (ISD)," dated December 8, 2014 including updates and revisions. The continuous pressure monitoring system must meet all of the following:

- (i) Include a console, a vapor pressure sensor, an automatic gasoline storage tank system pressure gauge and vapor leak rate detection software.
- (ii) Operate at least 95% of the time on a calendar-month basis.
- (iii) Calculate and record the percentage of continuous pressure monitoring system operational time.
- (iv) Measure once every 7 days the vapor leak rate from the gasoline storage tank system at any working ullage pressure, both positive and negative.
- (v) Measure the gasoline storage tank system pressure once every 7 days.
- (vi) Record once every 7 days, with not more than 7 days between recordings, the calculated percentage of time that the gasoline storage tank system pressure is at least 0.5 inches of water column below the positive cracking pressure of the pressure/vacuum vent valve.

(f) Stage I vapor recovery system installation requirements. The owner or operator of a gasoline dispensing facility subject to this section that installs a Stage I vapor recovery system shall do all of the following:

(1) Perform, and ensure that the Stage I vapor recovery system passes, all of the following CARB vapor leak rate monitoring test procedures within 10 days of installation of the Stage I vapor recovery system:

(i) CARB TP-201.1B if the Stage I vapor recovery system is equipped with a rotatable adaptor.

(ii) CARB TP-201.1E.

(iii) CARB TP-201.3.

(iv) CARB TP-201.3C.

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

(i) The completion date of installation of the Stage I vapor recovery system.

(ii) The name of the test procedure.

(iii) The name of the person performing the test procedure.

(iv) The date the test procedure was performed.

(v) The result of the test procedure.

(vi) The date, type and duration of a vapor leak rate failure.

(vii) The name of the person correcting the vapor leak rate failure.

(viii) The date the vapor leak rate failure was corrected.

(ix) The action taken to correct the vapor leak rate failure.

(3) Maintain onsite at the gasoline dispensing facility a copy of the CARB Executive Order specified in subsection (e)(1).

(4) Install and maintain a pressure/vacuum vent valve on each atmospheric vent of the underground storage tank.

(g) Monitoring the condition of the Stage I vapor recovery system components and other gasoline dispensing components. The owner or operator of a gasoline dispensing facility with a Stage I vapor recovery system shall monitor the condition of the Stage I vapor recovery system components and other gasoline dispensing components in accordance with all of the following, as applicable:

(1) Perform an inspection after each gasoline tank truck delivery to check all of the following:

(i) That each fill pipe adaptor and Stage I adaptor is tightly sealed.

(ii) That each Stage I dry break is tightly sealed.

(iii) That each automatic tank gauge cap is tightly sealed.

(2) Perform an inspection one time per month to check all of the following:

(i) That each automatic tank gauging electrical grommet and vent extractor cap is in good working order.

(ii) That the riser and pressure/vacuum vent valve and cap are installed and not damaged above ground level.

(iii) That there are no tears or holes in gasoline hoses.

(iv) That gasoline nozzles are functioning according to their design.

(v) That gasoline hoses are not touching the ground when the nozzle is resting on its holding bracket.

(vi) That each gasoline nozzle fits in its holding bracket.

(vii) If a Stage II vapor balance vapor recovery system is installed, that a face plate can make a positive seal.

(viii) If a Stage II vapor balance vapor recovery system is installed, that the bellows are free of tears and holes.

(3) Make the needed correction to the Stage I system under paragraph (1) or make the needed repair to a failed component under paragraphs (1) and (2) as soon as possible before the next scheduled monthly inspection.

(4) Record all of the following information, as applicable, for each monitoring inspection conducted under paragraphs (1) and (2) and for each correction to the Stage I system or repair to a failed component made under paragraph (3):

- (i) The name of the person performing the inspection.
- (ii) The component inspected under paragraphs (1) and (2).
- (iii) The date the inspection was performed.
- (iv) The result of each inspection of the components under paragraphs (1) and (2).
- (v) The name of the person making the correction to the Stage I system or the repair to a failed component.
- (vi) The date the correction was made to the Stage I system or the repair was made to the failed component.
- (vii) The action taken to correct the Stage I system or to repair the failed component.

(h) Vapor leak rate of the gasoline storage tank system. The owner or operator of a gasoline dispensing facility that is monitoring the vapor leak rate of the gasoline storage tank system with a continuous pressure monitoring system under subsection (c)(2) shall do all of the following:

(1) Maintain the gasoline storage tank system at a vapor leak rate less than two times the allowed vapor leak rate.

- (i) The allowed vapor leak rate must be determined under CARB TP-201.3.
- (ii) Equation 9-2 with N=1-6 from CARB TP-201.3 must be used to determine the allowed vapor leak rate.

(2) Generate a report in electronic format once per day for the previous calendar day. The report must record the following:

- (i) Continuous pressure monitoring system operational time as a percentage.
- (ii) Percentage of time the tank system pressure is above atmospheric pressure.
- (iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(3) Generate a report in electronic format by the 15th of the month for the previous calendar month which records the following:

(i) Continuous pressure monitoring system operational time as a percentage.

(ii) Percentage of time the tank system pressure is above atmospheric pressure.

(iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(iv) Warnings generated when the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subparagraph (1), including the date and time of each warning.

(4) Store the electronic records of the reports generated in paragraphs (2) and (3) in a manner to maintain the records despite loss of power to the continuous pressure monitoring system.

(5) Follow the applicable procedures of subsections (i) and (j) if the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under paragraph (1).

(6) Perform, and ensure that the continuous pressure monitoring system passes, the continuous pressure monitoring system operability test as specified in Exhibit 9 or Exhibit 10, as applicable, of CARB Executive Order VR-202-R, one time every 3 years after the date the continuous pressure monitoring system is installed.

(7) Record all of the following information for the continuous pressure monitoring system operability test specified in paragraph (6):

(i) The name of the person performing the test.

(ii) The date the test was performed.

(iii) The result of the test.

(8) If the continuous pressure monitoring system fails the operability test required under paragraph (6), the owner or operator shall repair and retest the continuous pressure monitoring system under paragraph (6) within 10 days.

(9) If the continuous pressure monitoring system fails the operability test required under paragraph (6), record all of the following information:

(i) The name of the person recording the operability test failure.

(ii) The date and time the continuous pressure monitoring system failed the operability test.

(iii) The type and duration of the operability test failure.

(iv) The name of the person correcting the operability test failure.

(v) The date the repair was made to correct the operability test failure.

(vi) The action taken to correct the operability test failure.

(10) Maintain the records required under paragraphs (7) and (9), as applicable, onsite at the gasoline dispensing facility for 6 years.

(i) First exceedance of the allowed vapor leak rate. If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subsection (h)(1), then all of the following must occur:

(1) The continuous pressure monitoring system must activate a warning alarm and record the event.

(2) The owner or operator shall do all of the following:

(i) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm. If this correction does not require a repair or correction to the gasoline storage tank system, the person correcting the cause of the failure need not meet the certification requirements under subsection (g).

(ii) Reset the continuous pressure monitoring system when the correction under subparagraph (i) is made.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(iv) Record the date, time, duration and reason for a warning alarm that did not indicate a vapor leak rate failure.

(i) Second exceedance of the allowed vapor leak rate. Following the action taken to correct the cause of the failure under subsection (i)(2)(i), the continuous pressure monitoring system must recommence monitoring the gasoline storage tank system. If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate within 7 calendar days following the correction made under subsection (i)(2)(i), then all of the following must occur:

(1) The continuous pressure monitoring system must activate a warning alarm and record the event.

(2) The owner or operator of the gasoline dispensing facility shall do all of the following:

(i) Reset the continuous pressure monitoring system as soon as the vapor leak rate failure is corrected.

(ii) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm.

(A) The person correcting a failure to the gasoline storage tank system must meet the certification requirements under subsection (g).

(B) The person correcting a failure to the continuous pressure monitoring system must meet the certification requirements under subsection (g) or must be authorized to make repairs by the continuous pressure monitor manufacturer.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(k) Low permeation hoses and enhanced conventional nozzles. An owner or operator of a gasoline dispensing facility that is subject to this section and does not have a Stage II vapor recovery system shall do all of the following:

(1) Install and maintain low permeation hoses on each gasoline dispenser at the gasoline dispensing facility as follows:

(i) For a gasoline dispensing facility in operation on or before _____ (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses by _____ (Editor's note: The blank refers to the date 2 years after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.) on each gasoline dispenser that is located at the gasoline dispensing facility as of _____ (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.).

(ii) For a gasoline dispenser installed after _____ (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses described in subparagraph (iv) upon installation of the gasoline dispenser.

(iii) For a gasoline dispensing facility that begins operation after _____ (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), install low permeation hoses described in subparagraph (iv) upon installation of each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install low permeation hoses that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(2) Install and maintain enhanced conventional nozzles on each gasoline dispenser as follows:

(i) The owner or operator shall replace each conventional nozzle with an enhanced conventional nozzle within 2 years after the Department publishes notice in the *Pennsylvania Bulletin* of the CARB Executive Officer having issued an Executive Order of Certification to a second manufacturer for an enhanced conventional nozzle.

(ii) For a gasoline dispenser installed at the gasoline dispensing facility after the Department publishes the *Pennsylvania Bulletin* notice referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles.

(iii) For a gasoline dispensing facility that begins operating after the Department publishes the notice in the *Pennsylvania Bulletin* referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles on each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install enhanced conventional nozzles that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(l) Additional requirements for gasoline dispensing facilities. The owner or operator of a gasoline dispensing facility subject to this section shall do all of the following:

(1) Provide necessary maintenance and make modifications to the vapor control system of the gasoline dispensing facility necessary to comply with the applicable requirements of this section.

(2) Provide adequate training and written instructions to the operator of the gasoline dispensing facility to ensure proper operation of the vapor control system.

(3) Maintain onsite at the gasoline dispensing facility a copy of the training schedule and written instructions required under paragraph (2).

(4) Immediately remove from service and tag a defective nozzle or other component of the gasoline dispensing system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds during an inspection that a defective nozzle or other component of the gasoline dispensing system is not properly tagged, the component may not be returned to service until the defect is corrected and the Department approves its return to service.

(5) Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area. The operating instructions must include, at a minimum, all of the following information:

(i) A clear description of how to correctly dispense gasoline with the nozzles used at the site.

(ii) A warning that continued attempts to dispense gasoline after the gasoline dispensing system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor recovery system.

(iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

(m) Recordkeeping and reporting requirements. The owner or operator of a gasoline dispensing facility subject to this section that creates a record under subsection (d)(2), (f)(2), (g)(4), (h)(4), (h)(10), (i)(2)(iii) or (j)(2)(ii) shall do both of the following:

(1) Maintain the required records onsite at the gasoline dispensing facility for 2 years, unless specified otherwise in this section or unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of source) or a plan approval, operating permit, consent decree or order issued by the Department.

(2) Submit the records to the Department in an acceptable format upon receipt of a request from the Department.

(n) Record certifying the Stage I enhanced vapor recovery system. An owner or operator proceeding under subsection (c)(2) shall maintain onsite at the gasoline dispensing facility a copy of the valid CARB Executive Order required under subsection (e)(1) for the duration of the operation of the Stage I enhanced vapor recovery system. The copy must be made available to the Department upon receipt of a request.

(o) Record certifying the low permeation hoses and enhanced conventional nozzles. The owner or operator shall maintain onsite at the gasoline dispensing facility OR ELECTRONICALLY STORED ALLOWING FOR ONSITE EXAMINATION a copy of the CARB Executive Order required under subsection (k)(1) and (2) for the duration of the use of the low permeation hoses and enhanced conventional nozzles, respectively. The copy must be made available to the Department upon receipt of a request.

(p) Record of training schedule and written instructions. The owner or operator shall maintain onsite at the gasoline dispensing facility a copy of the training schedule and written instructions required under subsection (l)(2) for the duration of the operation of the vapor control system. The copy must be made available to the Department upon receipt of a request.

(q) Certification requirements for a person who performs underground storage tank system installation or modification work.

(1) The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(i) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(ii) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(2) A person only performing a test specified under subsection (b) is not required to be certified under this subsection.

§129.82a. Requirements to Decommission a Stage II Vapor Recovery System

§ 129.82a. Requirements to decommission a Stage II vapor recovery system.

(a) *Applicability.* Beginning _____ (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), this section applies to the owner and operator of a gasoline dispensing facility that uses, has decommissioned or is decommissioning a Stage II vapor recovery system.

(b) *Compliance deadline.*

(1) *Stage II vacuum assist vapor recovery system.* The owner or operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that uses a Stage II vacuum assist vapor recovery system shall decommission the Stage II vacuum assist vapor recovery system on or before December 31, 2022.

(2) *Stage II vapor balance vapor recovery system.* The owner and operator of a gasoline dispensing facility in this Commonwealth that uses a Stage II vapor balance vapor recovery system shall comply with this section when the owner or operator decommissions the Stage II vapor balance vapor recovery system.

(c) *Test procedure documents.* The following are the full names of the vapor recovery test procedure documents specified in this section:

(1) PEI/RP300-09—The Petroleum Equipment Institute's "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites," Chapter 14, Decommissioning Stage II Vapor-Recovery Piping, sections 14.1 through 14.6.13, including applicable updates and revisions.

(2) CARB TP-201.3—"Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities," amended July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—"Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)," adopted March 17, 1999, including updates and revisions.

(d) Process to decommission a Stage II vapor recovery system. The owner or operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system shall decommission the Stage II vapor recovery system by meeting all of the following:

(1) Successfully completing all of the steps in PEI/RP300-09, Chapter 14. The owner or operator shall cap off the vapor tight return line of the Stage II vapor recovery system at the gasoline storage tank top if accessible at the time of decommissioning. If the vapor tight return line is not accessible at the time of decommissioning, the vapor tight return line must be capped when either of the following circumstances occurs:

(i) The storage tank system or an associated piping component is under concrete, and a replacement or repair of the underground storage tank system or associated piping component involves breaking concrete on top of the tank where the vapor tight return line terminates.

(ii) The CARB TP-201.3 procedure performed under paragraph (2) indicates a problem with the vapor tight return line.

(2) Successfully completing all of the steps in CARB TP-201.3.

(3) Successfully completing all of the steps in CARB TP-201.3C.

(4) Completing Form 2700-FM-BAQ0129, including updates and revisions to the form, after decommissioning is complete, regardless of whether the vapor tight return line is accessible at the time of decommissioning and has been capped under paragraph (1). The

owner or operator shall send the completed form within 10 business days of completion of the decommissioning to the Department Regional Air Program Manager or to the appropriate approved local air pollution control agency responsible for the county in which the decommissioning occurred.

(5) Maintaining onsite at the gasoline dispensing facility a copy of the completed form that was submitted under paragraph (4). The owner or operator shall maintain the form onsite for 2 years unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(e) Certification requirements for installers and industry inspectors. The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(1) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(2) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(f) Removal of responsibilities under § 129.82. The owner and operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system under subsections (d) and (e) are no longer subject to § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) at the gasoline dispensing facility.

(g) Retention of responsibilities under § 129.61 (relating to small gasoline storage tank control (Stage I control)). The owner and operator of a gasoline dispensing facility remains subject to § 129.61 after decommissioning a Stage II vapor recovery system.

(h) Retention of responsibilities under § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control). The owner and operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that decommissions a Stage II vapor recovery system remains subject to § 129.61a.

3. Documentation of Public Hearing and Certifications (all Later)

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