

COUNTY OF



ALLEGHENY

**Meeting of the Allegheny County Board of Health
Public
January 5, 2022**

THIS MEETING WILL BE VIRTUAL

<https://www.alleghenycounty.us/Health-Department/Resources/About/Board-of-Health/Public-Meeting-Schedule.aspx>

1. Call to Order
2. Approval of Minutes for the November 3, 2021 Meeting
3. Election of Officers
4. Public Comments on Agenda Items
5. Director's Report
6. New Business – Action items

For Public Comment

- Revisions to Article XXIV: Paid Sick Leave regarding definitions

Final Action

- Election of Officers
- Environmental Health Fund Request for Mosquito Control Products
- Environmental Health Fund Request for PA Resource Council “Hard to Recycle Event” 2022
- Revisions to Article XXI: Air Pollution Control regarding public notice and risk management
- Revisions to Article 1: Merit System (Personnel Administration) regarding appeals

7. Public Comments on Non-Agenda Items
8. Adjournment

Next Meeting of the Board of Health:
Wednesday March 2, 2022



DEBRA BOGEN, MD, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 FOURTH AVENUE • PITTSBURGH, PA 15219
PHONE (412) 687-ACHD (2243) • FAX (412) 578-8325
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



Allegheny County Board of Health
November 3, 2021
Minutes

Present: Lee Harrison, M.D., Chair
Debra Bogen, M.D., Secretary
Donald Burke, M.D.
Anthony Ferraro
Caroline Mitchell
Joylette Portlock
Ellen Stewart, M.D.
William Youngblood

Absent: Kotayya Kondaveeti, M.D.
Edith Shapira, M.D.

1. Call to Order

Board Chair Dr. Harrison welcomed everyone to the virtual meeting of the Allegheny County Board of Health.

Dr. Harrison announced that the Board of Health held an executive session to discuss matters of personnel and litigation.

2. Approval of the Minutes from the Meeting of September 1, 2021

Dr. Harrison asked members if they any comments regarding the minutes. There were none.

Action: Dr. Stewart moved, and William Youngblood seconded a motion to approve the minutes as presented. Dr. Portlock asked that the minutes more accurately reflect comments regarding disparities related to sexually transmitted diseases. Dr. Harrison proposed amending the vote to make it contingent on that satisfactory addition to that item. The board agreed and the minutes were unanimously approved.

3. Public Comment on Agenda Items

Dr. Harrison invited those who registered to provide public comment, but none were in attendance.

4. Director's Report

Dr. Bogen began her report with an update on COVID-19. She presented data showing the trends across the world, the U.S., the Commonwealth of PA and here in Allegheny County. Dr. Bogen took a moment to address the deaths in Allegheny County.

She also reviewed the data from the last three months in Allegheny County looking at cases, individuals tested, hospitalizations and deaths. She specifically looked at the race and ethnicity data pointing out the differences.

Dr. Bogen shared the Allegheny County vaccination rates by age and race pointing out that the older population, the better the vaccine rate. Disparities in vaccinations by race continue despite the efforts of the ACHD and many others. The Director also pointed out that more people are getting vaccinated, however, it is slow and steady.

Dr. Bogen announced that the CDC has recommended that children 5-11 years old would be eligible to receive the Pfizer COVID-19 vaccine and that pediatric vaccines would be available by the end of the week

Dr. Bogen announced that the Center for Disease Control awarded the ACHD a \$7.5 million, 3-year grant to strengthen Community Health Workers' (CHWs) ability to address COVID. This grant will expand the public health workforce and contribute directly to the reduction of public health disparities in Allegheny County. The ACHD will work with local organizations to share knowledge and expertise.

Dr. Bogen then announced that the CDC also awarded the ACHD a grant to improve health outcomes and reduce disparities for the LGBTQ+ people across our community. The ACHD also received a \$4 million Targeted Airshed Grant from the EPA.

The Director reminded everyone that the ACHD is an accredited public health department and is in the process of seeking its reaccreditation. She plans to continue providing updates on that process which will culminate in the second half of 2022.

The ACHD has recently published new reports, including the 2020 Animal Bites Summary Report, the 2020-21 School Immunization Report and an update on lead data.

Following the Director's presentations, board members praised the ACHD for the grants and asked specific questions about the CDC's community health worker grant. Additionally, board members asked about vaccination rates and the factors underlying racial disparities that still exist.

Dr. Bogen introduced Dr. Wadowsky, the Director of the Allegheny County Public Health Laboratory.

Public Health Laboratory Update

Dr. Robert Wadowksy provided a clear overview of the work of the public health laboratory in its six different sites. Each year the public health laboratory performs on average approximately 66,000 tests.

Dr. Wadowsky explained new equipment had significantly increased the capacity of the laboratory. From April 2020 to March 2021, the lab tested 3,051 specimens and had a relatively low throughput. With the acquisition of the Hologic Panther Fusion Nucleic Acid Amplification System the throughput increased significantly. Before the Hologic instrument, there were numerous

incidents in which the number of specimens exceeded the laboratory's testing capacity and had to be referred to the State Laboratory or Curative.

In addition, the public health laboratory has provided training and regulatory guidance to our partners.

Dr. Wadowsky announced that the public health laboratory has received generous funding from the county and federal governments, including four Epidemiology Laboratory Capacity Grants. Dr. Wadowsky concluded with a view to the future of the Public Health Laboratory, including new programs, new services, a regional footprint and a new laboratory facility.

Board members asked questions about the new facility and the need for genomic sequencing. Currently, there is no sequencing at the public health lab, but would like to add that capacity.

Food Safety Program Overview

Next, Otis Pitts, Deputy Director of Public Policy & Enforcement, presented an overview of the Food Safety Program. He provided information regarding the duties of the program, staffing, types of food Permits, safety inspections and the Covid-19 response. Mr. Pitts spoke about the new Customer Service Initiative which will include a website update, the Allegheny County constituent services tool -- GovQA -- and data management.

The Board commended Mr. Pitts on his presentation and asked about vacancies. He acknowledged the challenges of hiring and retaining staff in this period and said the ACHD was pursuing new and innovative ways to share job opportunities.

5. Action Items

A. Revisions to Article III

Following his presentation on the Food Safety Program, Mr. Pitts introduced the proposed revisions to Article III: Food Safety. The last major revisions to this code were made in 2000. The proposed revisions align with the Pennsylvania statutory requirements. For many of the revisions the Food Safety team drew heavily from the U.S. Food and Drug Administration (FDA) Model Food Code, which is published to assist food safety agencies. The proposed revisions call for a restructuring of the regulations to improve readability. The proposed new regulations proceed chronologically from basic requirements for opening a new facility to the inspection process and areas generally verified during inspections, to administrative proceeding for violations.

Because of the extensive nature of the revisions Mr. Pitts recommend the Board of Health consider repealing of the old regulations and replacing them with the new. The documents presented are structured accordingly. Mr. Pitts requested that the Board of Health approve a 60-day public comment period

The Board thanked Otis for a great job. The Board discussed the 60-day timeline and were concerned that it may be too short because of the difficulty with the industry during the holidays and would like to see the public comment extended.

Action: Dr. Portlock moved to send the proposed revisions to Article III the public comment for 75 days. Mr. Ferraro seconded the motion. **The motion passed unanimously.**

B. Proposed Revisions to Article I

Dr. Harrison invited Kim Joyce, Deputy Director of Administration, to present. Ms. Joyce explained that Article I: Merit System (Personnel Administration) provides the ACHD with guidelines for all personnel activity. The proposed revisions to Article I would provide a regulatory process that is transparent to all, for any employee of the ACHD, except the Director, who wishes to have their appeal heard by the Board of Health. The proposed process would involve hiring a third-party hearing officer who would hear the matter and present proposed findings of fact and conclusions of law to the Board. Once presented, the Board could consider them at its next regular meeting.

Action: Dr. Portlock moved to send the proposed revisions to public comment for 30 days. Dr. Stewart seconded the motion. **Motion passed unanimously.**

C. Resolution to Appoint Hearing Officer

Ms. Joyce then presented a resolution which calls for the hiring of a third-party hearing officer to hear the appeal of a particular employee and present findings of fact and conclusion of law which, following their presentation, the Board may consideration at its next regular meeting. The Board had no questions.

Action: Dr. Stewart moved to pass the resolution. Mr. Youngblood seconded the motion. **The motion passed unanimously.**

D. Environmental Health Fund Request

Joy Smallwood, Environmental Health Administrator with Water Pollution Control and Solid Waste Program, presented a request for \$30,000 from the Environmental Health Fund to provide financial assistance to the non-profit Allegheny Cleanways to conduct illegal dumping cleanups in Allegheny County. The Board had no questions.

Action: Dr. Portlock moved to approve the Environmental Fund request as presented. Dr. Stewart seconded the motion. **The Motion passed unanimously.**

E. Clean Air Fund Request to Spend 5% of Clean Air Fund on Air Program Operational Projects

Jayme Graham, Manager of the Air Quality Program, explained that Article XXI currently allows the ACHD Air Quality Program to draw each year up to 5% of the available funds in the Clean Air Fund to support its operations. Ms.

Graham said that for this year the requested amount equals \$578,684. The Board members had no questions.

Action: Mr. Youngblood moved to approve the Clean Air Fund annual request. Mr. Ferraro seconded the motion. **The motion passed unanimously.**

F. Gasoline and Gasoline Station Regulations; Stage I & II and RVP

Ms. Graham presented the request for final approval for revisions to Article XXI related to gasoline and gasoline station regulations. At a prior meeting, the Board had received an extensive presentation on the matter and after a 30-day public comment period there were no recommended amendments to the proposed revisions. No public comments were submitted.

Action: Mr. Youngblood moved to approve the revisions to Article XXI as presented. Dr. Stewart seconded the motion. **The motion passed unanimously.**

6. Public Comments on Non-Agenda Items.

Dr. Harrison invited those who registered to provide public comment on non-agenda items. The following individuals registered and provided public comment on non-agenda items:

Mark Dixon spoke on malodor in the Mon Valley, Patrick Campbell on hydrogen sulfide, Lorraine Starsky the retention of Health Department Employees, Jay Walker and Matthew Nemeth on Coke Oven Regulations and Angelo Taranto on Metalico.

Adjournment

Dr. Harrison entertained a motion to adjourn which was provided and approved unanimously. The meeting adjourned at approximately 3:00 pm.

Deletions are shown with strikethroughs.

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

**PROPOSED REVISIONS
TO
Allegheny County Health Department Rules and Regulations
Article XXIV, Paid Sick Leave**

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:

* * *

Employee. Is defined as in 43 P.S. Section 333.103 (h). For purposes of this article "employee" shall not include independent contractors, State and Federal employees, **any member of a Construction Labor Union covered by a collective bargaining agreement, as defined in this Article,** or seasonal employee. **For the purpose of this Article, the term "Construction Labor Union" shall be a labor union that represents, for purposes of collective bargaining, employees involved in the work of construction, reconstruction, demolition, alteration, custom fabrication or repair work and who are enrolled or have graduated from a "registered apprenticeship program," as defined below in this Article.**

* * *

End of Regulation Changes

Allegheny County Health Department

Environmental Health Fund Application

Allegheny County Health Department Rules and Regulations Article XVI, Environmental Health Civil Penalties, §1608, defines how the Environmental Health Fund may be used to support activities related to improving environmental health in Allegheny County:

§1608 ALLEGHENY COUNTY ENVIRONMENTAL HEALTH FUND

- a. The purpose of Allegheny County Environmental Health Fund is to support activities related to the improvement of environmental health within Allegheny County and to support activities which will increase or improve knowledge of the environment as it related to public health and its control so as to benefit public health.

Proposals requesting Environmental Health funding will be limited to those purposes listed below:

- A. Projects with direct and measurable environmental health benefits to Allegheny County;
- B. The support of research and development;
- C. Health effects studies and surveys concerning environmental health;
- D. Public/staff education and professional development concerning environmental Health;
- E. The acquisition of consulting or other services from persons with special experience and/or expertise; or
- F. The purchase of equipment, materials, or services to supplement the County's environmental health enforcement programs.

All applicants must be in good standing with the ACHD and follow all relevant Federal, State, and local regulations. The fund cannot be used to cover indirect costs. Submission of an application does not guarantee funding. Only a limited number of projects will be funded per year.

Please submit completed applications to:

Deputy Director of Environmental Health
Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219
Fax: 412-578-8325

Allegheny County Health Department Environmental Health Fund Application

Please fill out this form in its entirety.

Applicant Contact Information:

Agency:			
Contact Person:			
Street Address:			
City:	State:	Zip:	Phone:
Email:		Fax:	

Type of project: Check all project categories that apply

<input type="checkbox"/> Support for research and development	<input type="checkbox"/> Health effects studies and surveys concerning environmental health	<input type="checkbox"/> Public/staff education and professional development concerning environmental health
<input type="checkbox"/> Consulting or other services from persons with special experience and/or expertise	<input type="checkbox"/> Purchasing of equipment, materials, or services to supplement the County's environmental health enforcement programs	

Funding Request:

--

Project Description: Please provide a brief description of the candidate project or program. If you need additional space, use and attach as many "Additional Information" forms as needed.

--

Allegheny County Health Department
Environmental Health Fund Application

Quantifiable Results: Please describe how the success of this project or program will be measured. Attach any documentation of calculated pollutant reductions expected, health benefits, and/or other metrics that will be used to measure outcomes and evaluate success.

Describe the project location and/or coverage area: Please identify where this project or program will take place, and where improvements will be measured (if applicable)

Have you been funded through the Environmental Health Fund in the past? If so, please describe the project and amount funded.

Allegheny County Health Department
Environmental Health Fund Application

Additional Information: Include as many forms as needed

A large, empty rectangular box with a thin black border, occupying the majority of the page below the header and instruction. It is intended for the applicant to provide additional information or attach forms as needed.

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ALLEGHENY COUNTY HEALTH DEPARTMENT
RULES AND REGULATIONS
ARTICLE I – MERIT SYSTEM-PERSONNEL ADMINISTRATION

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

112. APPEALS

- A. Any permanent employee of the Allegheny County Health Department, except the Director, who is demoted, suspended, transferred, removed, or furloughed shall, within thirty (30) days after receiving written notice of such action, have the right of appeal in writing to the Pennsylvania State Civil Service Commission for a public hearing which shall be conducted in a manner prescribed by them.

Such hearing shall be held 60 days after receipt of the employee's appeal and the employee shall be notified of the date and place of the hearing in writing. The employee shall have the right to appear at such hearing with counsel. The Pennsylvania Civil Service Commission shall notify the employee and the Director in writing of its decision as soon as possible after conclusion of the hearing. Any employee aggrieved by any determination of the Pennsylvania State Civil Service Commission shall have the right of appeal to the Commonwealth Court, under the laws of the Commonwealth of Pennsylvania.

- B. All applicants and employees alleging discrimination shall have a right of appeal to an impartial body; the Pennsylvania State Civil Service Commission or the Pennsylvania Human Relations Commission when it has jurisdiction. Any adjudications issued by either body are appealable to the courts of the Commonwealth of Pennsylvania. The decision of the court will be binding.

- C. **Any permanent employee of the Allegheny County Health Department, except the Director, who is demoted, transferred or removed, or separated because of curtailment of work or lack of funds, who is seeking their right to appeal in the manner prescribed by and pursuant to 28 Pa. Code § 13.61, the Board of Health prescribes the following manner for a public hearing for the conduct of such an appeal:**

1. After receipt of an employee's written appeal, Allegheny County will retain the services of a neutral, third-party hearing officer to conduct the public hearing
2. Following the hearing, the hearing officer shall submit findings of fact and conclusions of law to the Board of Health
3. After receipt and consideration of the findings of fact and conclusions of law the Board of Health shall vote on the merits of the appeal.

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. 95)**

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

**Portions of Article XXI Related to
Advertising Notice of Permit Comment Periods and Hearings
and Permit Petition Requirements:**

§2101.20, Definitions

§2102.03, Permits Generally

§2102.04, Installation Permits

§2102.05, Installation Permits for New and Modified Major Sources

§2103.11, Operating Permits (All Major and Minor Permits) Applications

§2103.14, All Major and Minor Permits -- Revisions, Amendments,
Modifications

§2103.21, Additional Requirements for Major Permits -Applications

§2103.22 Issuance, Standard Conditions

§2103.24, Additional Requirements for Major Permits - Revisions, Amendments,
Modifications

§2105.31, Waste-Derived Liquid Fuel

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 - §2101.20, Definitions
 - §2102.03, Permits Generally
 - §2102.04, Installation Permits
 - §2102.05, Installation Permits for New and Modified Major Sources
 - §2103.11, Operating Permits (All Major and Minor Permits) Applications
 - §2103.14, All Major and Minor Permits -- Revisions, Amendments, Modifications
 - §2103.21, Additional Requirements for Major Permits -Applications
 - §2103.22 Issuance, Standard Conditions
 - §2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications
 - §2105.31, Waste-Derived Liquid Fuel
2. Technical Support Document
3. Documentation of Public Hearing and Certifications
 - 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 (later)

1. Proposed Revision

LEGEND:

Deletions are shown with strikethroughs.

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

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

...

"**Bulk gasoline terminal**" means a gasoline storage and distribution facility with a daily throughput of 20,000 gallons (76,000 liters) or more of gasoline.

"**Bureau**" means the Allegheny County Health Department Bureau of Environmental Quality **Health**.

"**Can coating**" means exterior coating and interior spray coating in two-piece can lines, interior and exterior coating in sheet coating lines for three-piece cans, side seam spray coating and interior spray coating in can fabricating lines for three-piece cans, and sealing compound application and sheet coating in end coating lines.

...

"**Encasement**" means any process or application that involves the direct application of any liquid or solid material onto, and in direct contact with, ACM, including but not limited to the application of multi-port self-curing resin systems, in order to totally confine or seal such ACM for purposes of abatement of the potential release of asbestos fibers.

"EOB" means Pennsylvania's Environmental Quality Board as described in Section 5 of the Pennsylvania Air Pollution Control Act.

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

...

...

§2102.03 PERMITS GENERALLY

{Paragraph a.1 & d.2 & Subsections i & j amended, and k & l added September 6, 1995, effective October 20, 1995. Subsections b, j, and l amended, and m added mm/dd/2021, effective mm/dd/2021.}

...

- b. **Issuance.** Unless otherwise specifically provided under Part C, all permits issued pursuant to this Part or Part C of this Article shall be in written form, signed and issued by the Director, the Deputy Director, Bureau of Environmental ~~Quality~~ **Health**, the head of the Division of Air Quality, or the head of the Engineering Section, Bureau of Environmental ~~Quality~~ **Health** Division of Air Quality. **As soon as is practicable, the Department shall post a public notice of all permits issued in accordance with Paragraph m.2.**

...

- j. **General Permits.**
 - 1. Except as otherwise provided under this Subsection, the General Plan Approvals and Operating Permits requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.611 through 127.622 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
 - 2. For purposes of this Article:
 - A. 25 Pa. Code §127.612(a), **shall be met by the requirements of Paragraph m.2 of this Section.** ~~shall only require the publication of the required notice in the Pennsylvania Bulletin and one newspaper of general circulation in the County;~~

...

- 3. Under the regulations incorporated by reference under this Subsection:
 - A. “Plan approval” shall mean Installation Permit;
 - B. “Department” shall mean Department as defined under this Article;
 - C. ~~“Pennsylvania Bulletin” shall mean Pennsylvania Bulletin or a newspaper of general circulation in the County; and~~

and

DC. “Facility” shall mean Source.

...

1. **Temporary Sources at Multiple Locations.**

1. Except as otherwise provided under this Subsection, the requirements for Plan Approvals and Operating Permits for Sources Operating at Multiple Temporary Locations promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.631 through 127.642 are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

2. For purposes of this Article:

A. 25 Pa. Code §127.632(a), **shall be met by the requirements of Paragraph m.2 of this Section.** ~~shall only require the publication of the required notice in the Pennsylvania Bulletin and one newspaper of general circulation in the County;~~

...

3. Under the regulations incorporated by reference under this Subsection:

A. “Plan approval” shall mean Installation Permit;

B. “Department” shall mean Department as defined under this Article;

and

~~C. “Pennsylvania Bulletin” shall mean Pennsylvania Bulletin or a newspaper of general circulation in the County; and~~

DC. “Facility” shall mean Source.

...

m. Public Notice. Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at:

25 Pa. Code §§127.44, 127.45, & 127.51, as they relate to installation permits; 25 Pa. Code §§127.424, 127.425, & 127.431, as they relate to operating permits; 25 Pa. Code §§127.612, as it relates to General Permits; and 25 Pa. Code §632, as it relates to Temporary Sources at Multiple Locations; and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

1. Under the regulations incorporated by reference under this Subsection:

- A. "Plan approval" shall mean Installation Permit;**
- B. "Department" shall mean Department as defined under this Article;**
- C. "Pennsylvania Bulletin" shall mean the Department's air permitting website; and**
- D. "Facility" shall mean Source.**

2. Public notice shall be posted on the Department's air permitting website for a minimum of thirty (30) days or the duration of any public comment period. The Department will also provide notice using e-mail or regular U.S. postal service mailing to persons on a distribution list developed by the Department as provided under Paragraph 3.

3. Distribution list. The Department shall develop and maintain a subscription distribution list for the purpose of notification of permitting activity.

§2102.04 INSTALLATION PERMITS

{Paragraph a.5 deleted, Paragraphs b.11 & h.2 and Subsection j added, and Subparagraph a.1.B & Subsections g, h, & i amended September 6, 1995, effective October 20, 1995. Subparagraphs a.1.C and new paragraph a.5 added December 12, 2000, effective January 12, 2001. Subsection k added effective April 28, 2004. Subsection g amended March 23, 2012, effective April 3, 2012. Subsection i amended and Subsection j added mm/dd/2021, effective mm/dd/2021.}

...

i. Advance Notice.

In addition to all other notice requirements under this Part, the Department shall ~~cause to be published~~ **post** a public notice **in accordance with Paragraph 2102.03.m.2** of all permit applications received as soon as is practicable after such applications have been deemed to be complete. At the time of ~~publication~~ **the posting** of such notice, the applicant shall cause a copy of such notice to be sent to all municipalities in which the source for which the application has been submitted is located as required by Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5).

j. Public Notice of Draft Installation Permit.

The following procedures apply for public notice for draft permits, permit revisions, and permit modifications including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:

- 1. Notice shall be posted in accordance with Paragraph 2102.03.m.2. The Department may use other means to provide adequate notice to the affected public.**
- 2. The notice shall identify the source and its location; the name and address of the permittee; the name and address of the County Health Department Bureau of Environmental Health; the activity or activities involved in the permit action; the emissions changes involved in any permit modification; the means through which interested persons may obtain additional information from the Department, including copies of the draft permit, the application, all relevant supporting materials, and all other materials available to the Department that are relevant to the permit decision; a brief description of the comment procedures under this Subsection; and the time and place of any hearing that may be held. If no public hearing is scheduled,**

the notice shall include a statement of procedures to request a hearing;

3. The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing, except for minor modification applications which shall only require a 21 day public comment period; and

4. For at least two years following final action on an application, the Department shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public.

j. **Miscellaneous Notice Requirements.**

~~Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.44, 127.45, & 127.51, and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.~~

k. **Restrictions on Sources with Violations.**

...

§2102.05 INSTALLATION PERMITS FOR NEW AND MODIFIED MAJOR SOURCES

{Subsections c amended mm/dd/2021, effective mm/dd/2021.}

...

c. **Public Notice and Hearing.** Upon a determination that an Installation Permit application for a new or modified major source meets the requirements of this Article, the Department shall prepare a notice of its ~~proposed approval of the application~~ **draft installation permit** and of a public hearing on such ~~proposed approval~~ **draft installation permit** to ~~be~~ held no sooner than 30 days following ~~publication~~ **the posting** of such notice in accordance with this Subsection. Such notice shall include at a minimum the name of the owner or operator, the type and size of the source, the proposed location, a concise

summary of the manner in which the requirements of this Part have been met, an identification of at least one location within the County where all information submitted in support of the application may be examined by the public, an ~~employee of~~ **a point of contact at** the Department to ~~whom~~ **which** public comments may be sent no later than ten (10) days following the public hearing and to ~~whom~~ **which** requests to testify at the public hearing may be sent within 30 days of the ~~publication~~ **posting** of the notice, and the date, time, and location of the public hearing. The Department shall then:

1. Cause such notice to be ~~published by prominent advertisement in either, at the discretion of the Department, at least two newspapers of general circulation in the County, or at least one newspaper of general circulation in the County and at least one local newspaper of general circulation in the municipality of the proposed location, for at least one day in each newspaper~~ **posted in accordance with Paragraph 2102.03.m.2.** The applicant shall pay for the cost of all publications and certifications under this Paragraph;
2. Cause copies of the notice to be mailed to the Regional Administrator of the EPA, the Chairman of the Allegheny County Air Pollution Control Advisory Committee, the Chairman of the Allegheny County Board of Health, the appropriate agencies or departments of affected states, such other regional and local government units as specified by the Department, and to persons on a **distribution** list ~~developed by the Department~~ **as provided under Subsection 2102.03.m of this Article;** ~~including residents of the County who specifically request in writing to be on the list;~~
3. Retain all information submitted in support of the permit application in at least one location in the County and make all such information available for public inspection;
4. Provide copies of the Department's notice to any person who requests it; and
5. Obtain facilities for a public hearing to be held by the Department, at a place, date, and time determined in advance by the Department, and cause such hearing to be stenographically transcribed and a copy thereof to be furnished to the Department. The applicant shall pay for the cost of all public hearings and transcripts under this Paragraph.

§2103.11 APPLICATIONS

{Paragraph a.2 & Subsections b, d, e, f, & g amended & h added September 6, 1995, effective October 20, 1995. Subsections e, & f amended mm/dd/2021, effective mm/dd/2021.}

...

g.e. Advance Notice.

In addition to all other notice requirements under this Part, the Department shall ~~cause to be published~~ **post** a public notice **in accordance with Paragraph 2102.03.m.2** of all permit applications received as soon as is practicable after such applications have been deemed to be complete. At the time of ~~publication~~ **the posting** of such notice, the applicant shall cause a copy of such notice to be sent to all municipalities in which the source for which the application has been submitted is located as required by Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5).

ef. Public Notice of ~~Preliminary Approval~~ Draft Operating Permit. All permit proceedings under this Subpart, including initial permit issuance, modifications, and renewals, shall include the following procedures for public notice including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:

1. Notice shall be given: ~~by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice; and by other means if deemed necessary by the Department to assure adequate notice to the affected public~~ **by posting the public notice in accordance with Paragraph 2102.03.m.2. The Department may use other means to provide adequate notice to the affected public;**
2. The notice shall identify the source and its location; the name and address of the permittee; the name and address of the County Health Department Bureau of Environmental ~~Quality~~ **Health**; the activity or activities involved in the permit action; the emissions changes involved in any permit modification; the ~~name, address, and telephone number of a Department representative from whom~~ **means through which** interested persons may obtain additional information **from the Department**, including copies of the draft permit, **the statement required by Paragraph 2103.21.c.3 of this Article for the draft permit**, the application, the compliance plan, monitoring and compliance certifications, all relevant supporting materials, and all other materials available to the Department **(except for publicly-available materials and publications)** that are relevant to the permit decision;

a brief description of the comment procedures under this Subsection; **and the time and place of any hearing that may be held.** ~~and~~ **If no public hearing is scheduled, the notice shall include** a statement of procedures to request a hearing;

3. The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing, except for minor modification applications which shall only require a 21 day public comment period; and
4. For at least two years following final action on an application, the Department shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public.

fg. Final Action.

Unless otherwise specifically provided under this Part, **the Department shall take final action** within 18 months of the date of a submittal of a complete application, including all applicable fees, for an Operating Permit under this Subpart, including applications for permit modifications and renewals. ~~the Department shall take final action on such application, except that for~~ **For** initial permit applications submitted under **the historical requirements of** Section 2103.01, **“Transition,”** of this Part, the Department shall take final action on such application within 18 months of a complete submittal of an application or within the specific applicable deadline set forth under Section 2103.01, whichever is later. A failure by the Department to take action in accordance with this Subsection constitutes a final action by the Department for the sole purpose of being appealable. The Court of Common Pleas may require that the Department take action on an application without further delay.

[Subsection 2103.11.g (“Advance Notice”) was moved to subsection 2103.11.e, above]

h. Miscellaneous Notice Requirements.

~~Except as specifically otherwise provided under this Article, the requirements promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§127.424, 127.425, & 127.431, and the related definitions at 25 Pa. Code §121.1, are hereby incorporated, by reference, into this Article. Additions, revisions, and deletions to such requirements adopted by the EQB and the DEP are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.~~

§2103.14 REVISIONS, AMENDMENTS, MODIFICATIONS

{Subparagraphs a.1.A, B, & D, b.1.D & E, Paragraphs b.2 & 4, and Subsection c amended, Subparagraph b.1.F deleted, & Paragraphs b.6 & 7 and Subsection e added September 6, 1995, effective October 20, 1995. Paragraphs c.1, 3, 4 & 6 and e.5 amended December 12, 2000, effective January 12, 2001. Subsections b, c, & e amended mm/dd/2021, effective mm/dd/2021.}

...

- b. **Administrative Permit Amendment Procedures.** An administrative permit amendment may be made by the Department consistent with the following:

...

- 6. The Department will take final action on the administrative amendment and ~~publish~~ **will post** public notice of the final action **in accordance with Paragraph 2102.03.m.2.**

...

- c. **Minor Permit Modification Procedures.**

...

- 3. At the time of submission of the application for a minor permit modification, the owner or operator shall notify the municipality where the source is located under Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5), and shall also ~~publish~~ **submit to the Department** a notice ~~in a local newspaper of general circulation~~ briefly describing the change including a change in actual emissions, of any air contaminant that would occur as a result of the change. **The Department will post the notice in accordance with Paragraph 2102.03.m.2.**

...

- 8. The Department will take final action on the proposed change within 60 days of receipt of the complete application for the minor permit modification and, after taking final action, will ~~publish~~ **post** public notice of the action **in accordance with Paragraph 2102.03.m.2.**

...

e. **De minimis Emission Increases.**

...

9. The Department will maintain a list of de minimis increases authorized by this Subsection in the permit file for the source and shall ~~publish~~ **post, in accordance with Paragraph 2102.03.m.2, for a minimum of thirty (30) days** a public list of the de minimis increases within 60 days of the receipt of notice for the source.

§2103.21 APPLICATIONS

{Subsection b amended and Subsection e added September 6, 1995, effective October 20, 1995. Paragraph c.2, and Subsection e amended August 29, 2013, effective September 23, 2013. Subsection a, c & e amended mm/dd/2021, effective mm/dd/2021.}

- a. Generally.
 - 1. If required by federal regulation or a federally approved provision under this Article, within 30 days after receipt of a complete application, with the appropriate fee, for an Operating Permit under this Subpart, including any **significant or minor** permit modification, the Department shall provide a copy of such submission to the Administrator.

...

- c. **Public Notice of Preliminary Approval Draft Operating Permit.** Except for administrative permit amendments, all permit proceedings under this Subpart, including initial permit issuance, modifications, and renewals, shall include the following procedures for public notice including offering an opportunity for public comment and an opportunity for a hearing on the draft permit:
 - 1. Notice shall be given by the Department: ~~by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice~~ **by posting the public notice and each draft permit in accordance with Paragraph 2102.03.m.2**; ~~to persons on a mailing list developed by the Department, including residents of the County who specifically request in writing to be on the list;~~ to all affected States; to the Administrator; and by other means if deemed necessary by the Department to assure adequate notice to the affected public. Such public notice shall indicate that such notice is also being made to the Administrator. Notices to the Administrator and affected states shall be issued on or before the date of ~~publication~~ **the posting** of the required public notice;
 - 2. Unless exempted by federal regulation or a federally approved provision under this Article, or resubmittal requirements of Subsection 2103.21.e, the Department shall also provide to the Administrator a copy of the draft permit, and such draft permit shall constitute a proposed permit for purposes of commencing the Administrator's 45 day review period;
 - 3. The Department shall provide a statement that sets forth the legal and factual basis for the draft permit conditions, including references to the applicable statutory or regulatory provisions. The Department shall send a copy of this statement to EPA and to any other person who submits to the Department in writing an express request for a copy of such statement for a specific permit;

4. The Department shall keep a record of the commenters and also of the issues raised during the public participation process, **as well as records of the written comments submitted during that process,** to determine whether a citizen petition may be granted, and such records shall be available to the public.

5. The Department must respond in writing to all significant comments raised during the public participation process, including any such written comments submitted during the public comment period and any such comments raised during any public hearing on the permit. The Department shall provide to the Administrator the written response to comments and an explanation of how those public comments and the permitting authority's responses are available to the public.

...

e. Resubmittal to EPA. The Department shall resubmit to the Administrator any ~~proposed~~ **draft** permit to which **the Department receives significant comment during the public participation process** ^{substantive} ~~comments~~ or material substantive changes have been made as a result of comments received by the Department. **The Department shall also include with the resubmitted draft permit the statement required by Paragraph c.3 of this Section and the written response to comments and supporting materials required under Paragraph c.5 of this Section.** This resubmittal shall commence ~~T~~^{the} Administrator's 45 day review period **for this proposed permit will not begin until such materials have been received by the EPA.**

§2103.22 ISSUANCE, STANDARD CONDITIONS

{Paragraph c.1 & Subsection j amended & Subsection k added September 6, 1995, effective October 20, 1995. Subsection l added January 22, 1998, effective March 31, 1998. Subsections b & c amended mm/dd/2021, effective mm/dd/2021.}

- b. **EPA Objection.** If the Administrator objects in writing to issuance of the permit within 45 days of receipt of the proposed permit and all necessary supporting information **required under Subsection 2103.21.c of this Article**, in accordance with 40 CFR §70.8(c), the Department shall, within 90 days after the date of such an objection, propose a revised permit in response to the objection in accordance with the requirements for proposal of such a permit under this Part.

...

c. **Public Petitions to the Administrator.**

1. If the Administrator does not object to the issuance of a permit in writing under Subsection b of this Section, any person may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection, except that any such petition shall be based only on objections to the permit that were raised by the petitioner with reasonable specificity during the public comment period provided for under this Part, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. **The petitioner shall provide a copy of such petition to the Department and the applicant.**
2. If the Administrator objects to a permit as a result of a petition filed under this Subsection, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the Department has issued a permit prior to receipt of an EPA objection under this paragraph, the Department shall thereafter issue only a revised permit that satisfies EPA's objection, but the source shall not be in violation of the requirement to have submitted a timely and complete application.

§2103.24 REVISIONS, AMENDMENTS, MODIFICATIONS

{Subsection c deleted September 6, 1995, effective October 20, 1995. New subsection c added December 12, 2000, effective January 12, 2001. Subsection c amended mm/dd/2021, effective mm/dd/2021.}

...

c. Minor Permit Modification Procedures

Sources subject to this subpart may make minor permit modifications on an expedited basis under this Subsection.

...

2. Within 5 working days of receipt of a complete permit modification application, the owner or operator shall notify the municipality where the source is located under Section 1905-A of the Pa. Administrative Code of 1929 (71 PS §510-5), all affected states, and the EPA of the requested permit modification. At the time of submission of the application for a minor permit modification, the owner or operator shall also ~~publish~~ **submit to the Department** a notice ~~in a local newspaper of general circulation~~ briefly describing the change, including a change in actual emissions of any air contaminant that would occur as a result of the change. **The Department will post the notice in accordance with Paragraph 2102.03.m.2.** Such notice shall clearly indicate that a person may comment to the Department and the source concerning the proposed change within 21 days from the date of ~~submission of the proposed minor permit modification to the Department~~ **the posting of the notice.**

...

7. The Department, after taking final action, will ~~publish~~ **post on the Department's air permitting website for a minimum of thirty (30) days** public notice of the action **in accordance with Paragraph 2102.03.m.2.**

§2105.31 WASTE-DERIVED LIQUID FUEL

{Paragraphs b.7 & e.6 restored May 7, 1998, effective May 15, 1998. Subsection e amended mm/dd/2021, effective mm/dd/2021.}

...

e. **Alternative Standards and Procedures.**

...

3. Should the Department preliminarily approve a request under this Subsection, the Department shall give public notice of the request for and preliminary approval of the alternative standard or procedure with:
 - A. Such notice to include:
 - i. The name and address of the owner or operator;
 - ii. A description of the equipment;
 - iii. The address of the location of the equipment;
 - iv. A summary of the reason for the request and justification for the alternative standard or procedure;
 - v. The address of the Department;
 - vi. The date, 30 days from the date of the ~~publication~~ **posting** of this notice, until which the Department will receive public comments concerning the preliminary approval of the alternative standard or procedure; and
 - B. Such notice to be ~~published in a newspaper of general circulation in Allegheny County, Pennsylvania,~~ **posted in accordance with Paragraph 2102.03.m.2** ~~for one~~ no later than ten (10) days after the preliminary approval is made by the Department.
4. After any public comment period required by Paragraph 3. of this Subsection, the Department may determine, at its sole discretion, that a public hearing is required before approving or denying a request under this Subsection, and if such a hearing is determined to be required, the Department shall give public notice of such hearing in such manner as is deemed appropriate by the Department.

End of Regulation Changes

2. Technical Support Document

The Clean Air Act (CAA) requires stationary sources of air pollution to obtain permits and authorizes the EPA to administer and oversee the permitting of such sources. To implement the CAA, the EPA promulgated permitting regulations for construction of sources pursuant to the NSR program under title I of the CAA, and for operation of major and certain other sources of air pollutants under title V of the CAA. These regulations are contained in 40 Code of Federal Regulations (CFR) parts 51, 70, and 71, and cover the requirements for federal permit actions (*i.e.*, when the EPA or a delegated air agency is the permitting authority) and the minimum requirements for EPA approval of state implementation plans (SIPs) and title V permitting programs. These rules contain, among other things, requirements for public notice and availability of supporting information to allow for informed public participation in permit actions.

While the CAA requires permitting authorities to offer the opportunity for public participation in the processing of air permits and other actions, it does not specify the best or preferred method for providing notice to the public. *See, e.g.*, CAA sections 165(a)(2) and 502(b)(6). In the late 1970s and early 1980s, when the EPA first developed air permitting regulations to provide public notice for the major NSR program, newspaper advertisement was the most commonly accepted method for providing notice to the public of permit actions under those programs and other agency actions. Over the years, however, the availability of and access to the Internet and other forms of electronic media have increased significantly in the United States. One effect of this development is that circulation of newspapers and other print media has declined, making printed newspaper notice less effective in providing widespread public notice of permit actions in many cases. Many permitting authorities electronically post permit notices on their agency Web sites. For example, many state title V programs regularly provide electronic postings to assure adequate public notice. 40 CFR 70.7(h)(1). Such electronic notice mechanisms provide an effective, convenient and cost-efficient way to communicate permitting-related information to the majority of the public.

Given these developments, the EPA has recognized that newspaper notice is no longer the only, or in many cases the most effective, method of communicating permitting actions to the public and has issued rules allowing alternate methods of communication.

The EPA issued revised rules which removed the mandatory requirement that draft permits for sources subject to the major NSR, or title V programs and certain other actions be noticed in a newspaper of general circulation and instead allow (or in some cases require) the use of Internet postings to provide notice (*i.e.*, e-notice). 81 FR 71613 (Oct. 18, 2016). For permits issued by agencies that implement an approved program meeting the requirements of 40 CFR parts 51 or 70, EPA allowed that those permitting authorities would have the option to adopt either e-notice or retain the newspaper noticing method. These permitting authorities must, however, select either e-notice or newspaper notice as their consistent noticing method. In addition, for all their draft permits, they must provide notice to the public through the noticing method selected and

must indicate the consistent noticing method selected in their permitting rules. EPA also required that, when a permitting authority adopts e-notice, it also must provide e-access. In the context of this rule, e-access means that the permitting authority must make the draft permit available electronically (*i.e.*, on the agency's public Web site or on a public Web site identified by the permitting authority) for the duration of the public comment period.

The ACHD is proposing changes to Article XXI in this SIP revision to provide for notice on the ACHD's air permitting website as the consistent noticing method. For major operating permits subject to 40 CFR part 70, the ACHD is revising the Article XXI regulations to comply with the EPA's e-notice requirements under 40 CFR § 70.7. For all other permitting activity, the ACHD will provide notice for a minimum period of 30 days on the ACHD's air permitting website. The ACHD is also revising Article XXI to specifically provide for an "interested persons distribution list." The public notice for permitting activity will be provided to the interested persons on this distribution list. Related to the distribution list, and regarding methodology for signing up on the ACHD website to be on the distribution list described in 2102.03.m, ACHD intends to discuss this with its IT department how that will be accomplished.

Finally, the ACHD is proposing changes to Article XXI in this SIP revision to address the latest changes to 40 CFR §70.7 "Permit issuance, renewal, reopenings, and revisions," and 70.8 "Permit review by EPA and affected states," especially with regard to permit petition requirements.

The Sections will be submitted as a change to the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP) as follows:

§2101.20, Definitions

§2102.03, Permits Generally, al, including new Subsection "m", but not Subsection "l".

§2102.04, Installation Permits, all except the Subsection previously identified as "k" which is now renumbered to "l".

§2102.05, Installation Permits for New and Modified Major Sources, all.

§2103.11, Operating Permits (All Major and Minor Permits) Applications, all.

§2103.14, All Major and Minor Permits -- Revisions, Amendments, Modifications, all.

§2103.21, Additional Requirements for Major Permits -Applications – none, since 2103.21 is not currently in the SIP.

§2103.22 Issuance, Standard Conditions – none, since 2103.22 is not currently in the SIP.

§2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications- none, since 2103.24 is not currently in the SIP

§2105.31, Waste-Derived Liquid Fuel - none, since 2105.31 is not currently in the SIP.

Portions of this change may also be submitted as changes to the Title V program.

3. Documentation of Public Hearing and Certifications

- 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 (later)

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

The Allegheny County Board of Health (ACHD) will hold a virtual public hearing on Wednesday, November 3, 2021, at 10:00 AM to take testimony on proposed modifications to the following sections of ACHD Article XXI, along with the corresponding sections of County Ordinance 16782, as follows:

Sections related to Permit Advertising:

- §2101.20, Definitions
- §2102.03, Permits Generally
- §2102.04, Installation Permits
- §2102.05, Installation Permits for New and Modified Major Sources
- §2103.11, Operating Permits (All Major and Minor Permits) Applications
- §2103.14, All Major and Minor Permits -- Revisions, Amendments, Modifications
- §2103.21, Additional Requirements for Major Permits -Applications
- §2103.22 Issuance, Standard Conditions
- §2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications
- §2105.31, Waste-Derived Liquid Fuel

The changes to these sections will be submitted as revisions to Allegheny County's portion of the Pennsylvania State Implementation Plan (SIP) as delineated in the Technical Support Document.

Sections related to De-delegation of Authority of the Risk Management Plan:

- §2104.08, National Emission Standards for Hazardous Air Pollutants; and related
- §2101.20, Definitions

The changes to these sections will not be submitted as revisions to Allegheny County's portion of the Pennsylvania SIP.

The proposed regulations/SIP revisions are available on the Allegheny County Health Department (ACHD) Air Quality web site at www.alleghenycounty.us/regs-sips. Written copies may be obtained by calling 412-578-8103.

The hearing will be held virtually in compliance with safety precautions due to the COVID-19 pandemic.

- Persons wishing to present testimony at the hearing must register by going to the ACHD's website at [Public Hearing Participation Form | Health Department | Allegheny Home \(alleghenycounty.us\)](http://Public Hearing Participation Form | Health Department | Allegheny Home (alleghenycounty.us)). Persons who do not have access to the internet may register by calling 412-578-8103.
- You must register to present testimony no less than 24 hours in advance of the virtual hearing.
- Testimony is limited to 3 minutes.

The Board will also accept written comments, beginning on Monday, October 4, 2021, and concluding at 4:00 PM on Wednesday, November 3, 2021, by mail to ACHD Air Program, 301 39th Street, Bldg. 7, Pittsburgh, PA 15201-1811, or by email to aqcomments@alleghenycounty.us.

Please call 412-578-8103, if you have any questions or if you have any difficulty registering for the hearing.

Lattner, Tom

From: Lattner, Tom
Sent: Friday, October 1, 2021 1:32 PM
To: Fernandez.Cristina@epa.gov
Cc: Goold.Megan; 'Gordon.Mike@epa.gov'; Etzel, Sandra
Subject: Notice of Public Hearing for ACHD Permit Advertising regulations
Attachments: EPA hearing notification letter.Permitt Advertising and RMP Regs.SIP95 and non-SIP86.10.1.2021.docx

Hello Ms. Fernandez,

This is to formally advise you through the attached letter, that the Allegheny County Health Department will be holding a public comment period starting October 4, 2021 and running through November 3, 2021 at 4:00 PM, and a public hearing on November 3, 2021 on our proposed revisions to Article XXI and the PA SIP related to the Permit Advertising regulations, and a non-SIP regulation revision involving minor updates to Article XXI made necessary by the Health Department's de-delegation of its Risk Management Plan in 2019.

Details can be found in the attached letter which includes embedded files for the hearing notice and the proposed SIP changes.

Thank you for consideration of this matter.

Tom Lattner



Tom Lattner
A.P.C. Engineer III
Air Quality Program
301 39th St., Bldg. 7
Pittsburgh, PA 15201
412-578-7986
Tom.Lattner@AlleghenyCounty.US



EPA hearing
notification letter.Perr

Lattner, Tom

From: Lattner, Tom
Sent: Friday, October 1, 2021 1:28 PM
To: Hammond, Mark
Cc: Dalal, Kirit; Hepler, Stephen (shepler@pa.gov); 'shoyle@pa.gov'; Etzel, Sandra
Subject: Notice of Public Hearing for ACHD Permit Advertising regulations
Attachments: PA DEP hearing notification letter.Permitt Advertising and RMP Regs.SIP95 and nonSIP86. 10.1.2021.docx

Hello Mr. Hammond,

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A.P.C. Engineer III
Air Quality Program
301 39th St., Bldg. 7
Pittsburgh, PA 15201
412-578-7986
Tom.Lattner@AlleghenyCounty.US



PA DEP hearing
notification letter.Perr

No. _____ Term, _____

Proof of Publication of Notice in Pittsburgh Post-Gazette

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

Commonwealth of Pennsylvania, County of Allegheny, ss D. Rullo, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the _____ regular _____ editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

03 of October, 2021

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

PG Publishing Company

Sworn to and subscribed before me this day of:
October 04, 2021

Commonwealth of Pennsylvania - Notary Seal
Karen Flaherty, Notary Public
Allegheny County
My commission expires November 16, 2024
Commission number 1386128
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS
ALLEGHENY CO HEALTH DEPT-LEGAL
542 4TH AVENUE
PITTSBURGH PA 15219

To PG Publishing Company

Total ----- \$168.00

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
2201 Sweeney Drive
CLINTON, PA 15026
legaladvertising@post-gazette.com
Phone 412-263-1440

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

Attorney For

**COPY OF NOTICE
OR PUBLICATION**

NOTICE OF VIRTUAL PUBLIC HEARING AND PUBLIC COMMENT PERIOD FOR PROPOSED AMENDMENTS TO ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS ARTICLE XXI, AIR POLLUTION CONTROL.
The Allegheny County Board of Health (ACHD) will hold a virtual public hearing on Wednesday, November 3, 2021, at 10:00 AM to take testimony on proposed modifications to the following sections of ACHD Article XXI, along with the corresponding sections of County Ordinance 10782, as follows:
SECTIONS related to Permit Advertising:
• §2101.20, Definitions
• §2102.03, Permit Generally
• §2102.04, Installation Permits
• §2102.05, Installation Permits for New and Modified Major Sources
• §2103.11, Operating Permits (All Major and Minor Permits) Applications
• §2103.14, All Major and Minor Permits - Revisions, Amendments, Modifications
• §2103.21, Additional Requirements for Major Permits - Applications
• §2103.22, Issuance, Standard Conditions
• §2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications
• §2106.31, Waste-Derived Liquid Fuel
The changes to these sections will be submitted as revisions to Allegheny County's portion of the Pennsylvania State implementation plan, as delineated in the technical support document. Sections related to Delegation of Authority of the Risk Management Plan:
• §2104.08, National Emission Standards for Hazardous Air Pollutants; and related
• §2101.20, Definitions
The changes to these sections will not be submitted as revisions to Allegheny County's portion of the Pennsylvania SIP.
The proposed regulations/SIP revisions are available on the Allegheny County Health Department (ACHD) Air Quality web site at www.alleghenycounty.us/aqps. Written copies may be obtained by calling 412-578-6103.
The hearing will be held virtually in compliance with safety precautions due to the COVID-19 pandemic.
• Persons wishing to present testimony at the hearing must register by going to the ACHD website at Public Hearing Participation Form | Health Department | Allegheny County (alleghenycounty.us). Persons who do not have access to the internet may register by calling 412-578-6103.
• You must register to present testimony no less than 24 hours in advance of the virtual hearing.
• Testimony is limited to 3 minutes.
The Board will also accept written comments beginning on Monday, October 4, 2021, and concluding at 4:00 PM on Wednesday, November 3, 2021, by mail to ACHD Air Program, 301 32nd Street, Suite 2, Pittsburgh, PA 15201-1611, or by email to accomments@alleghenycountypa.us.
Please call 412-578-6103, if you have any questions or if you have any difficulty registering for the hearing.

Revision 95

Article XXI


- §2101.20, Definitions
- §2102.03, Permits Generally
- §2102.04, Installation Permits
- §2102.05, Installation Permits for New and Modified Major Sources
- §2103.11, Operating Permits (All Major and Minor Permits) Applications
- §2103.14, All Major and Minor Permits -- Revisions, Amendments, Modifications
- §2103.21, Additional Requirements for Major Permits -Applications
- §2103.22 Issuance, Standard Conditions
- §2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications
- §2105.31, Waste-Derived Liquid Fuel

Certification of Hearing

Tom Lattner deposes and says that he is an Air Pollution Control Engineer in the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on November 3, 2021 on the proposed revisions to Article XXI, "Rules and Regulations of the Allegheny County Health Department for Air Pollution Control," and County Ordinance No. 16782 revising sections listed above related to permit advertising;"

that certain of these changes are to be incorporated as a change to Allegheny County's Portion of the Pennsylvania State Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards as delineated in the Technical Support Document;

that the opportunity for written comments was given in accordance with the requirements of 40 CFR 51.102; that notice of such hearing was given by publication in a newspaper of general circulation on October 3, 2021; and to the best of his knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

 11-22-2021
Tom Lattner, Date
Air Pollution Control Engineer
Air Quality Program
Allegheny County Health Department

SUMMARY OF COMMENTS AND RESPONSES

for

Proposed SIP Revision 95

Article XXI, Various Sections related to Permit Advertising

Public Comment Period: October 4 to November 3, 2021

Public Hearing: November 3, 2021

General support for the regulation

- 1. Comment:** The Department has not demonstrated that it can opt out of state regulatory requirements for notice, without an amendment of the state regulations. For several air permits, the Department proposes to eliminate requirements that notices be published in a newspaper or in the Pennsylvania Bulletin.

Commenters: Joseph Otis Minott, Esq. and Christopher D. Ahlers, Esq., Clean Air Council.

Response: ACHD considers requirements for notice to be administrative requirements. In accordance with the Pennsylvania Air Pollution Control Act, Section 12 “Powers Reserved to Political Subdivisions,” Subsection (b), administrative procedures set forth in the act shall not apply to any county which has an air pollution control program approved by the State. Further, EPA regulations for Title V sources allow a local agency, such as the ACHD, to provide public notice for permits on a website and not in a newspaper. 40 CFR § 70.7(h). In its comments on the regulation, the EPA noted that allowing e-notice through a website will “result in broader and better-informed public participation” and “improve communication with [environmental justice] communities and other target audiences.” 81 FR 71620 (Oct. 18, 2016). The ACHD is proposing the revisions for these reasons and disagrees with the commenters’ position that public notice should be published in the Pennsylvania Bulletin.

- 2. Comment:** In addition to requiring the posting notice of proposed permits on its website, the Department should require the posting of supporting documents, including the permit application documents.

Commenters: Joseph Otis Minott, Esq. and Christopher D. Ahlers, Esq., Clean Air Council.

Response: The Health Department intends to make permits available as much possible by either posting on the website or making it known how they may otherwise be accessed.

To December 13, 2021 Advisory Committee for recommendation of final approval.

Proposed Revision to

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

§2104.08, National Emission Standards for Hazardous Air Pollutants

And

§2101.20, Definitions

Revision Tracking No. 86 file (non-SIP)

Table of Contents

1. Changes to Article XXI Rules and Regulations:
 - §2101.20, Definitions
 - §2104.08, Administration and Organization – Administration
2. Technical Support Document
3. Documentation of Public Hearing
 - Public hearing notice
 - Summary of Comments and responses

1. Proposed revisions

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

PART A – GENERAL

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

"Major source applicable requirement" means all of the following as they apply to emissions units at sources that require permits under Part C Subpart 2 of this Article (including requirements under the following that have been promulgated or approved by the County, the Commonwealth, or the U.S. EPA at the time of issuance of such permits but have future-effective compliance dates):

- a. Any standard or other requirement provided for in this Article which has been approved or promulgated by EPA as part of the Pennsylvania state implementation plan under the Clean Air Act or through regulations adopted under the Clean Air Act through rulemaking at the time of issuance but have future effective compliance dates or a standard provided for in the Commonwealth's SIP approved by EPA under Title I of the Clean Air Act that implements the relevant requirements of the Act, including any revisions to that plan;
- b. Any term or condition of any Installation Permits issued pursuant to this Article under either §2102.05 or §2102.04.h, including Installation Permits approved or promulgated through rulemaking under Title I, including Part C or D, of the Clean Air Act;
- c. Any new source performance standard or other requirement under §2105.05 of this Article or under Section 111 of the Clean Air Act, including Subsection (d);
- d. Any national emission standard for hazardous air pollutants, MACT standard, or other requirement under §2104.08 of this Article, including ~~any~~ **the** requirements concerning accidental release prevention **found in 40CFR68.215**, or any other standard or requirement under Section 112 of the Clean Air Act;

§2104.08 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS *{Subsection a revised January 22, 1998 effective March 31, 1998}*

a. **Incorporation by reference.** All:

1. NESHAP's;
2. MACT emission limitations for hazardous air pollutants;
3. Generally Achievable Control Technology (GACT) emission limitations;
4. General Provisions for hazardous air pollutants; and
5. Regulations for the determination of emission limitations by the Department under Paragraph h.1 below,

established at 40 CFR Parts 61 and 63 by the EPA in accordance with §112 of the Clean Air Act, all other federal regulations promulgated under §112, including **only the** accidental release prevention regulations **of 40CFR68.215** under §112(r), and any state hazardous air pollutant emission or performance standards regulations promulgated under §6.6. of the Air Pollution Control Act are hereby incorporated by reference into this Article. For the purposes of this Section all of the definitions adopted by the federal regulations in this subsection are hereby incorporated by reference, including those of source and major source. Additions, revisions, or deletions to these federal and state regulations promulgated by the EPA and the Commonwealth, respectively, are incorporated into this Article and are effective on the date established by the applicable federal or state regulations, unless otherwise established by regulation under this Article.

b. **Violations.** It shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article for any person to operate, or allow to be operated, any source in a manner that does not comply with: this Article; all requirements of any applicable NESHAP's, MACT emission limitation for hazardous air pollutants, Generally Achievable Control Technology (GACT) emission limitation for hazardous air pollutants, or accidental release prevention regulations incorporated by reference under Subsection a above, except if such person is lawfully temporarily relieved of the duty to comply with such requirements; and all applicable state hazardous air pollutant emission and performance standards regulations incorporated by reference under Subsection a above.

c. **Reporting Requirements.** Any person who operates, or allows to be operated, any source subject to any standard or limitation incorporated by reference under Subsection a above shall conduct, or cause to be conducted, such tests, measurements, monitoring and the like as is required by such standard or limitation. All notices, reports, test results and the like as are required by such standard or limitation shall be submitted to the Department in the manner and time specified by such standard or limitation. All information, data and the like which is required to be maintained by such standard or limitation shall be made available to the Department upon request for inspection and copying.

2. Technical Support Document

Introduction

On March 5, 2019, the U.S. EPA approved ACHD's request to withdraw from its delegated authority over the Risk Management Plan. See 84FR7825.

As a result, ACHD is updating Article XXI regulations addressing accidental release prevention regulations under §112(r), and/or the Risk Management Plan (RMP).

The proposed revisions to Article XXI that are shown in Section 1 above, remove from §2104.08 the incorporation by reference of the federal regulations promulgated under Clean Air Act §112(r) relating to federal accidental release prevention regulations, ***except for those found in 40CFR68.215***, and revise related language in the definition of "major source applicable requirement" in §2101.20, "Definitions."

To prepare this regulatory revision, ACHD conducted word searches on Article XXI for words related to "risk management," "112(r)," "chemical accident release," and all shorter variations thereof. Only those portions of Article XXI indicated above require revision under this change document.

Note that this NESHAP related change does not constitute a change to the Pennsylvania State Implementation Plan

Basis for Making the Change

The Air Program considers it necessary to make this revision to eliminate a contradiction that would exist if Article XXI continued to incorporate by reference all of the federal regulations of 40 CFR Part 68, promulgated under CAA §112(r) – while no longer having the authority to implement and enforce those provisions (ref: 40CFR§63.99(a)(39)(v)), as explained in the March 5, 2019 federal register (84FR7825), the applicable contents of which are detailed below.

The Air Program considers it necessary however to incorporate by reference the federal regulations of 40CFR68.215 dealing with permit content and air permitting authority as it relates to chemical accident prevention.

As stated in the March 5, 2019 Federal Register (84FR7825):

I. Background

Section 112(l) of the Clean Air Act (CAA) and 40 CFR part 63, subpart E, authorizes EPA to approve of State, and local, rules and programs to be implemented and enforced in place of certain CAA requirements, including the chemical accident prevention provisions set forth at 40 CFR part 68 (Chemical Accident Prevention Regulations). EPA promulgated the Chemical Accident Prevention Regulations (or risk management program (RMP) regulations) (RMP regulations) pursuant to CAA Section 112(r)(7). By letter dated June 15, 2001, ACHD requested delegation of authority to implement and enforce the RMP regulations for all sources, among other requests for delegation of other programs. On January 30, 2002, EPA issued a direct final rule, which became effective on April 1, 2002, approving ACHD's request for delegation of authority to implement and enforce EPA's RMP regulations, which had been adopted by reference from 40 CFR part 68, for all sources within Allegheny County, Pennsylvania, subject to such regulations. See 67 FR 4363 (January 30, 2002).

By letter dated July 28, 2017, ACHD formally notified EPA of its intent to voluntarily withdraw from EPA's delegation of authority to enforce the RMP regulations. On June 22, 2018 (83 FR 29085), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, EPA notified the public that ACHD had completed the regulatory process for voluntary withdrawal from EPA's delegation of authority to implement and enforce the RMP provisions of CAA section 112(r) and proposed a revision to 40 CFR 63.99(a)(39)(v), codifying the withdrawal of EPA's delegation of authority.

The procedures for a State, or local authority, to voluntarily withdraw from a CAA approved rule, program or portion of a rule or program are set forth at 40 CFR 63.96(b)(7). In summary, these regulations and relevant EPA guidance provide that a State, or local authority, may voluntarily withdraw from an approved delegated program by notifying EPA and all affected sources of its intent to withdraw and the specific requirements subject to such withdrawal. Any such withdrawal is not effective sooner than 180 days after such notification to EPA. The State, or local authority, must also provide notice and opportunity for comment to the public. To the extent that any source that is affected by the withdrawal is also subject to a CAA operating permit issued pursuant to 40 CFR part 70, the State, or local authority, must reopen and revise such permit to the extent necessary.

II. Summary of Withdrawal Process and EPA Analysis

By letter dated July 28, 2017, ACHD notified EPA Region III of its intent to voluntarily withdraw from EPA's delegation of authority to enforce the RMP regulations. By letter dated November 9, 2017, ACHD notified EPA Region III that ACHD announced a public comment period to take comment on ACHD's voluntary withdrawal from EPA's delegation of authority to enforce the RMP regulations. The public comment period extended from November 10, 2017 to December 10, 2017. During this public comment period, ACHD did not receive any comments in response to the public comment notification. ACHD provided all applicable facilities with written notice that ACHD is voluntarily withdrawing from EPA's delegation of authority to enforce the RMP regulations set forth at 40 CFR part 68.

Pursuant to [40 CFR 63.96\(b\)\(7\)](#), ACHD has determined which facilities, located in Allegheny County, are subject to the RMP regulations and have effective CAA Title V operating permits in accordance with [40 CFR part 70](#). As of June 22, 2018, sixteen (16) facilities within Allegheny County had submitted risk management plans to EPA and ACHD had issued Title V operating permits to twenty-eight (28) currently operating facilities. ACHD Title V operating permits incorporate the RMP regulations, set forth at [40 CFR part 68](#), by reference. Therefore, each facility, located in Allegheny County, Pennsylvania, that is subject to the RMP regulations and has an effective Title V operating permit has been issued a Title V permit which includes the proper citation to any applicable RMP regulation.

Upon a State's or local authority's voluntary withdrawal of a delegated program, in accordance with [40 CFR 63.96\(b\)\(7\)](#), EPA is required to publish a time for sources subject to the previously approved State, or local, rule or program to come into compliance with applicable Federal requirements. Because, as part of its previously approved delegated program, ACHD incorporated the RMP regulations by reference, there is no distinction between ACHD's previously approved delegated program for implementing the requirements set forth at [40 CFR part 68](#) and the applicable Federal requirements set forth at [40 CFR part 68](#). Furthermore, EPA's delegation of authority to implement the requirements set forth at [40 CFR part 68](#) to ACHD stated in relevant part: "Although ACHD has primary authority and responsibility to implement and enforce the . . . chemical accident prevention provisions, nothing shall preclude, limit, or interfere with the authority of EPA to exercise its enforcement, investigatory, and information gathering authorities concerning this part of the Act." See [67 FR 4366](#) (January 30, 2002); see also [40 CFR 63.96\(b\)\(7\)\(iii\)](#). Therefore, all facilities located in Allegheny County, Pennsylvania, subject to any requirement set forth at [40 CFR part 68](#) are required to maintain continuous compliance with such requirement.

This action does not affect ACHD's responsibilities under Title V of the Clean Air Act. ACHD must continue to ensure compliance with Title V applicable requirements, including chemical accident prevention requirements. See [40 CFR 70.2, 68.215](#); [58 FR 29310](#). In addition, nothing in this action changes any source's obligation to comply with State or local laws. Affected sources may be subject to duplicative requirements, including duplicative reporting requirements to EPA and ACHD. This may include reporting to EPA under part 68, to the Title V permitting authority under [40 CFR 68.215](#), and to ACHD under their own rules. EPA received one set of comments in response to the June 22, 2018 NPRM. The comments did not concern any of the specific issues raised in the NPRM, nor did they address EPA's rationale for the proposed approval of ACHD's request. Therefore, EPA is not responding to those comments.

III. Final EPA Action

EPA's review of this material indicates that ACHD has completed the regulatorily mandated process, set forth at [40 CFR 63.96\(b\)\(7\)](#), for voluntary withdrawal from EPA's delegation of authority to enforce the Chemical Accident Prevention regulations set forth at [40 CFR part 68](#). EPA is revising [40 CFR 63.99\(a\)\(39\)\(v\)](#) to indicate ACHD's withdrawal from EPA's delegation of authority to enforce the chemical accident prevention provisions set forth at [40 CFR part 68](#).

40 CFR part 63 is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

_ 1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

_ 2. Section 63.99 is amended by revising paragraph (a)(39)(v) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) ***

(39) ***

(v) **Allegheny County is not delegated the authority to implement and enforce the provisions of 40 CFR part 68** and all

future unchanged amendments to 40

CFR part 68 at sources within Allegheny

County, in accordance with the final

rule, dated March 5, 2019, effective

April 4, 2019.

FOR INFORMATION ONLY – The contents of 40 CFR Part 68 Section 215

40 CFR §68.215 Permit content and air permitting authority or designated agency requirements.

(a) These requirements apply to any stationary source subject to this part 68 and parts 70 or 71 of this chapter. The 40 CFR part 70 or part 71 permit for the stationary source shall contain:

- (1) A statement listing this part as an applicable requirement;
- (2) Conditions that require the source owner or operator to submit:
 - (i) A compliance schedule for meeting the requirements of this part by the dates provided in §§68.10(a) through (f) and 68.96(a) and (b)(2)(i), or;
 - (ii) As part of the compliance certification submitted under 40 CFR 70.6(c)(5), a certification statement that the source is in compliance with all requirements of this part, including the registration and submission of the RMP.

(b) The owner or operator shall submit any additional relevant information requested by the air permitting authority or designated agency.

(c) For 40 CFR part 70 or part 71 permits issued prior to the deadline for registering and submitting the RMP and which do not contain permit conditions described in paragraph (a) of this section, the owner or operator or air permitting authority shall initiate permit revision or reopening according to the procedures of 40 CFR 70.7 or 71.7 to incorporate the terms and conditions consistent with paragraph (a) of this section.

(d) The state may delegate the authority to implement and enforce the requirements of paragraph (e) of this section to a state or local agency or agencies other than the air permitting authority. An up-to-date copy of any delegation instrument shall be maintained by the air permitting authority. The state may enter a written agreement with the Administrator under which EPA will implement and enforce the requirements of paragraph (e) of this section.

(e) The air permitting authority or the agency designated by delegation or agreement under paragraph (d) of this section shall, at a minimum:

(1) Verify that the source owner or operator has registered and submitted an RMP or a revised plan when required by this part;

(2) Verify that the source owner or operator has submitted a source certification or in its absence has submitted a compliance schedule consistent with paragraph (a)(2) of this section;

(3) For some or all of the sources subject to this section, use one or more mechanisms such as, but not limited to, a completeness check, source audits, record reviews, or facility inspections to ensure that permitted sources are in compliance with the requirements of this part; and

(4) Initiate enforcement action based on paragraphs (e)(1) and (e)(2) of this section as appropriate. [61 FR 31728, June 20, 1996, as amended at 84 FR 69916, Dec. 19, 2019]

3. Documentation of Public Hearing

Notice of Public Hearing

Summary of Comments and responses

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

The Allegheny County Board of Health (ACHD) will hold a virtual public hearing on Wednesday, November 3, 2021, at 10:00 AM to take testimony on proposed modifications to the following sections of ACHD Article XXI, along with the corresponding sections of County Ordinance 16782, as follows:

Sections related to Permit Advertising:

- §2101.20, Definitions
- §2102.03, Permits Generally
- §2102.04, Installation Permits
- §2102.05, Installation Permits for New and Modified Major Sources
- §2103.11, Operating Permits (All Major and Minor Permits) Applications
- §2103.14, All Major and Minor Permits -- Revisions, Amendments, Modifications
- §2103.21, Additional Requirements for Major Permits -Applications
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- §2103.24, Additional Requirements for Major Permits - Revisions, Amendments, Modifications
- §2105.31, Waste-Derived Liquid Fuel

The changes to these sections will be submitted as revisions to Allegheny County's portion of the Pennsylvania State Implementation Plan (SIP) as delineated in the Technical Support Document.

Sections related to De-delegation of Authority of the Risk Management Plan:

- §2104.08, National Emission Standards for Hazardous Air Pollutants; and related
- §2101.20, Definitions

The changes to these sections will not be submitted as revisions to Allegheny County's portion of the Pennsylvania SIP.

The proposed regulations/SIP revisions are available on the Allegheny County Health Department (ACHD) Air Quality web site at www.alleghenycounty.us/regs-sips. Written copies may be obtained by calling 412-578-8103.

The hearing will be held virtually in compliance with safety precautions due to the COVID-19 pandemic.

- Persons wishing to present testimony at the hearing must register by going to the ACHD's website at [Public Hearing Participation Form | Health Department | Allegheny Home \(alleghenycounty.us\)](#). Persons who do not have access to the internet may register by calling 412-578-8103.
- You must register to present testimony no less than 24 hours in advance of the virtual hearing.
- Testimony is limited to 3 minutes.

The Board will also accept written comments, beginning on Monday, October 4, 2021, and concluding at 4:00 PM on Wednesday, November 3, 2021, by mail to ACHD Air Program, 301 39th Street, Bldg. 7, Pittsburgh, PA 15201-1811, or by email to aqcomments@alleghenycounty.us.

Please call 412-578-8103, if you have any questions or if you have any difficulty registering for the hearing.

SUMMARY OF COMMENTS AND RESPONSES

for

Proposed Revision 86 (non-SIP)

§2104.08, National Emission Standards for Hazardous Air Pollutants

and

§2101.20, Definitions

Public Comment Period: October 4, 2021 to November 3, 2021

Public Hearing: November 3, 2021

No comments were received during the public comment period.