

**RULES AND REGULATIONS**

---

**ARTICLE XXI**  
**AIR POLLUTION CONTROL**



542 4<sup>th</sup> Avenue  
Pittsburgh, PA 15219  
412.687.ACHD (2243)

[Health Department - Allegheny County, PA](#)

Effective February 1, 1994  
Revised October 20, 1995  
Amended as noted November 24, 2025  
Effective December 4, 2025

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

Effective Date: February 1, 1994

As Amended by the Board of Health:

Effective October 20, 1995

Amended as noted, through November 24, 2025, Effective December 4, 2025

Summary

<u>Part</u>		<u>Sections</u>	<u>Page</u>
<b>A</b>	<b>General</b>	<b>2101.01 et seq.</b>	<b>A-1</b>
<b>B</b>	<b>Permits Generally</b>	<b>2102.01 et seq.</b>	<b>B-1</b>
<b>C</b>	<b>Operating Permits</b>	<b>2103.01 et seq.</b>	<b>C-1</b>
<b>D</b>	<b>Pollutant Emission Standards</b>	<b>2104.01 et seq.</b>	<b>D-1</b>
<b>E</b>	<b>Source Emission and Operating Standards</b>	<b>2105.01 et seq.</b>	<b>E-1</b>
<b>F</b>	<b>Air Pollution Episodes</b>	<b>2106.01 et seq.</b>	<b>F-1</b>
<b>G</b>	<b>Methods</b>	<b>2107.01 et seq.</b>	<b>G-1</b>
<b>H</b>	<b>Reporting, Testing, &amp; Monitoring</b>	<b>2108.01 et seq.</b>	<b>H-1</b>
<b>I</b>	<b>Enforcement</b>	<b>2109.01 et seq.</b>	<b>I-1</b>

## Contents

<u>Part</u>	<u>Section</u>	<u>Page</u>
<b>A</b>	<b>General</b>	
§2101.01	Short Titles	A-1
§2101.02	Declaration of Policy and Purpose	A-1
§2101.03	Effective Date and Repealer	A-2
§2101.04	Existing Orders .....	A-2
§2101.05	Existing Permits and Licenses	A-2
§2101.06	Construction and Interpretation	A-3
§2101.07	Administration and Organization	A-4
§2101.10	Ambient Air Quality Standards .....	A-7
§2101.11	Prohibition of Air Pollution	A-8
§2101.12	Interstate Air Pollution	A-8
§2101.13	Nuisances	A-9
§2101.14	Circumvention .....	A-9
§2101.20	Definitions .....	A-10
<b>B</b>	<b>Permits Generally</b>	
§2102.01	Certification	B-1
§2102.02	Applicability	B-1
§2102.03	Permits Generally .....	B-1
§2102.04	Installation Permits	B-5
§2102.05	Installation Permits for New and Modified Major Sources .....	B-12
§2102.06	Major Sources Locating In or Impacting a Nonattainment Area	B-13
§2102.07	Prevention of Significant Deterioration .....	B-17
§2102.08	Emission Offset Registration	B-17
§2102.09	Waste-Derived Liquid Fuel	B-18
§2102.10	Installation Permit Application and Administration Fees .....	B-18
<b>C</b>	<b>Operating Permits</b>	
§2103.01	Transition	C-1
	<b>Subpart 1 - Operating Permits (All Major and Minor Permits)</b>	
§2103.10	Applicability, Prohibitions, Records	C-3
§2103.11	Applications .....	C-4
a.	Generally	C-4
b.	Content Requirements	C-4
c.	Operating Permit Application Fee and Annual Operating Permit Fees	C-6
d.	Initial Review	C-6
e.	Advance Noticer	C-7
f.	Public Notice of Preliminary Approval	C-7
g.	Final Action	C-7

Contents

<u>Part</u>	<u>Section</u>	<u>Page</u>
<b>C</b>	<b>Operating Permits (cont'd.)</b>	
	<b>Subpart 1 - All Major and Minor Permits (cont'd.)</b>	
§2103.12	Issuance, Standard Conditions .....	C-8
a.	Standards for Issuance	C-8
b.	Prohibition of Default Issuance	C-9
c.	{Reserved}	C-9
d.	Non-Complying Sources	C-9
e.	Term	C-9
f.	Standard General Requirements	C-10
g.	Standard Emission Limit Requirements	C-10
h.	Standard Compliance Requirements	C-11
i.	Standard Monitoring Requirements	C-12
j.	Standard Recordkeeping Requirements	C-12
k.	Standard Reporting Requirements	C-13
l.	Standard Severability Requirement	C-13
m.	Standard Fee Requirement	C-13
n.	Standard Alternative Operating Scenarios Requirements	C-13
§2103.13	Expiration, Renewals, Reactivations .....	C-13
§2103.14	Revisions, Amendments, Modifications	C-15
a.	Revisions Generally	C-15
b.	Administrative Permit Amendment Procedures	C-16
c.	Minor Permit Modification Procedures	C-17
d.	Significant Modification Procedures - Requirements	C-18
e.	De minimis Emission Increases	C-18
§2103.15	Reopenings, Revocations .....	C-19
	<b>Subpart 2 - Additional Requirements for Major Permits</b>	
§2103.20	Applicability, Prohibitions, Records	C-21
§2103.21	Applications .....	C-22
a.	Generally	C-22
b.	Required Content	C-22
c.	Public Notice of Preliminary Approval	C-22
d.	Proposed Final Action	C-23
e.	Resubmittal to EPA	C-23
§2103.22	Issuance, Standard Conditions .....	C-24
a.	Action on Application	C-24
b.	EPA Objection	C-24
c.	Public Petitions to the Administrator	C-24
d.	County Requirements	C-24
e.	Permit Shield	C-24

## Contents

<u>Part</u>	<u>Section</u>	<u>Page</u>
<b>C</b>	<b>Operating Permits (cont'd.)</b>	
	<b>Subpart 2 - Additional Requirements for Major Permits (cont'd.)</b>	
§2103.22	Issuance, Standard Conditions (cont'd.)	
f.	Coverage	C-25
g.	Standard General Requirements	C-25
h.	Standard Emission Limit Requirements	C-25
i.	Standard Compliance Requirements	C-25
j.	Standard Acid Deposition Control Requirements	C-26
k.	General Permits and Temporary Sources at Multiple Locations	C-27
l.	Standard NOx Control Requirements	C-27
§2103.23	Expiration, Renewals .....	C-27
§2103.24	Revisions, Amendments, Modifications	C-27
a.	Revisions Generally	C-27
b.	Administrative Permit Amendment Procedures	C-28
c.	Minor Permit Modification Procedures	C-28
§2103.25	Reopenings, Revocations .....	C-30
	<b>Subpart 3 - Additional Requirements Generally</b>	
§2103.30	Waste-Derived Liquid Fuel	C-31
§2103.31	Alternative Emission Reduction Plans	C-31
	<b>Subpart 4 - Operating Permit Fees and Emission Fees</b>	
§2103.40	Operating Permit Fees	C-33
§2103.41	Emissions Fees .....	C-35
	<b>Subpart 5 - Acid Deposition Control</b>	
§2103.50	Applicability, Incorporation by Reference	C-35
<b>D</b>	<b>Pollutant Emission Standards</b>	
§2104.01	Visible Emissions	D-1
§2104.02	Particulate Mass Emissions .....	D-2
§2104.03	Sulfur Oxide Emissions	D-8
§2104.04	Odor Emissions	D-9
§2104.05	Materials Handling	D-9
§2104.06	Violations	D-10
§2104.07	Stack Heights	D-10
§2104.08	National Emission Standards for Hazardous Air Pollutants .....	D-10
§2104.09	Outdoor Wood-Fired Boilers	D-13
§2104.10	Commercial Fuel Oil	D-15
<b>E</b>	<b>Source Emission and Operating Standards</b>	
§2105.01	Equivalent Compliance Techniques	E-1
§2105.02	Other Requirements Not Affected	E-1
§2105.03	Operation and Maintenance	E-1
§2105.04	Temporary Shutdown of Incineration Equipment	E-1
§2105.05	New Source Performance Standards	E-2
§2105.06	Major Sources of Nitrogen Oxides & Volatile Organic Compounds ....	E-2
§2105.08	Additional RACT Requirements for Major Sources of Nitrogen Oxides & Volatile Organic Compounds for the 2015 Ozone NAAQS ....	E-6

## Contents

<u>Part</u>	<u>Section</u>	<u>Page</u>
<b><i>Subpart 1 - VOC Sources</i></b>		
§2105.10	Surface Coating Processes	E-9
§2105.11	Graphic Arts Systems	E-15
§2105.12	Volatile Organic Compound Storage Tanks .....	E-16
§2105.13	Gasoline Loading Facilities	E-18
§2105.14	Gasoline Dispensing Facilities - Stage II Control	E-21
§2105.15	Degreasing Operations	E-23
§2105.16	Cutback Asphalt Paving	E-26
§2105.17	Ethylene Production Processes	E-27
§2105.18	Dry Cleaning Facilities	E-27
§2105.19	Synthetic Organic Chemical and Polymer Manufacturing	
	- Fugitive Sources .....	E-30
§2105.19A	Synthetic Organic Chemical Manufacturing Industry – Air Oxidation, Distillation and Reactor Processes.....	E-32
<b><i>Subpart 2 - Slag, Coke, and Miscellaneous Sulfur Sources</i></b>		
§2105.20	Slag Quenching	E-33
§2105.21	Coke Ovens and Coke Oven Gas	E-34
§2105.22	Miscellaneous Sulfur-Emitting Processes .....	E-47
<b><i>Subpart 3 - Incineration and Combustion Sources</i></b>		
§2105.30	Incinerators	E-48
§2105.31	Waste-Derived Liquid Fuel	E-49
§2105.32	Hospital/Medical/Infectious Waste Incinerators	E-53
§2105.33	Existing Other Solid Waste Incinerators	E-57
<b><i>Subpart 4 - Miscellaneous Fugitive Sources</i></b>		
§2105.40	Permit Source Premises	E-64
§2105.41	Non-Permit Premises	E-64
§2105.42	Parking Lots and Roadways .....	E-64
§2105.43	Permit Source Transport	E-65
§2105.44	Non-Permit Source Transport	E-65
§2105.45	Construction and Land Clearing	E-65
§2105.46	Mining	E-66
§2105.47	Demolition	E-66
§2105.48	Areas Subject to Sections 2105.40 Through 2105.47	E-66
§2105.49	Fugitive Emissions .....	E-67
<b><i>Subpart 5 - Open Burning and Abrasive Blasting Sources</i></b>		
§2105.50	Open Burning	E-70
§2105.51	Abrasive Blasting	E-72
<b><i>Subpart 6 - Asbestos Sources</i></b>		
§2105.60	Asbestos Abatement Contractor Licenses	E-77
§2105.61	Asbestos Abatement Accreditation Requirements	E-79
§2105.62	Asbestos Abatement Applicability, Federal Requirements, Notices, and Permits	E-80
§2105.63	Asbestos Abatement Procedures .....	E-89

## Contents

<u>Part</u>	<u>Section</u>	<u>Page</u>
<b>E</b>	<b>Source Emission and Operating Standards (cont'd.)</b>	
	<b><i>Subpart 7 - Miscellaneous VOC Sources</i></b>	
§2105.70	Petroleum Refineries	E-96
§2105.71	Pharmaceutical Products	E-99
§2105.72	Manufacture of Pneumatic Rubber Tires	E-101
§2105.73	Municipal Solid Waste Landfills	E-102
§2105.74	Aerospace Manufacturing and Rework	E-102
§2105.75	Mobile Equipment Repair and Refinishing	E-108
§2105.76	Wood Furniture Manufacturing Operations	E-111
§2105.77	Control of VOC Emissions from Large Appliance and Metal Furniture Surface Coating Processes	E-121
§2105.78	Control of VOC Emissions from Flat Wood Paneling Coating Processes	E-125
§2105.79	Control of VOC Emissions from Paper, Film, and Foil Surface Coating Processes	E-128
§2105.80	Control of VOC Emissions from Offset Lithographic Printing and Letterpress Printing	E-131
§2105.81	Control of VOC Emissions from Flexible Package Printing	E-133
§2105.82	Control of VOC Emissions from Industrial Solvent Cleaning Operations	E-134
§2105.83	Control of VOC Emissions from Miscellaneous Metal and/or Plastic Parts Surface Coating Processes	E-138
§2105.84	Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coatings	E-147
§2105.85	Control of VOC Emissions from Miscellaneous Industrial Adhesives	E-149
§2105.86	Control of VOC Emissions from Fiberglass Boat Manufacturing Materials	E-153
§2105.87	Control of VOC Emissions from Unconventional and Conventional Oil And Natural Gas Sources	E-155
	<b><i>Subpart 8 – Additional Miscellaneous VOC Sources</i></b>	
§2105.88	Consumer Products	E-155
	<b><i>Subpart 9 - Transportation Related Sources</i></b>	
§2105.90	[Reserved]	E-156
§2105.91	School Bus Idling	E-156
§2105.92	Diesel Powered Motor Vehicle Idling	E-157
§2105.93	In-Use Off-Road Diesel Powered Mobile Equipment Engine Idling	E-159
	<b><i>Subpart 10 - NOx Sources</i></b>	
§2105.100	NO <sub>x</sub> Allowance Requirements .....	E-161
§2105.101	Control of NO <sub>x</sub> Emissions From Glass Melting Furnaces.....	E-163
	<b><i>Subpart 11 – Shale Drilling</i></b>	
§2105.110	Notification System for Unconventional Wells.....	E-164
<b>F</b>	<b>Air Pollution Episodes</b>	
§2106.01	Air Pollution Episode System	F-1
§2106.02	Air Pollution Source Curtailment Plans	F-1
§2106.03	Episode Criteria	F-2
§2106.04	Episode Actions	F-5
§2106.05	USX Clairton Works PM-1 Self Audit Emergency Action Plan .....	F-8
§2106.06	Mon Valley Air Pollution Episode .....	F-9

## Contents

<u>Part</u>	<u>Section</u>	<u>Page</u>
<b>G Methods</b>		
	§2107.01 General	G-1
	§2107.02 to §2107.16 {RESERVED} .....	G-2
	§2107.20 Ambient Measurements .....	G-2
<b>H Reporting, Testing, &amp; Monitoring</b>		
	§2108.01 Reports Required	H-1
	a. Termination of Operation	H-1
	b. Shutdown of Control Equipment	H-1
	c. Breakdowns	H-1
	d. Cold Start	H-2
	e. Emissions Inventory Statements	H-3
	f. Orders	H-4
	g. Violations	H-4
	§2108.02 Emissions Testing	H-4
	§2108.03 Continuous Emission Monitoring	H-6
	§2108.04 Ambient Monitoring .....	H-8
<b>I Enforcement</b>		
	§2109.01 Inspections	I-1
	§2109.02 Remedies	I-2
	§2109.03 Enforcement Orders	I-2
	§2109.04 Orders Establishing an Additional or More Restrictive Standard .....	I-4
	§2109.05 Emergency Orders	I-5
	§2109.06 Civil Proceedings	I-5
	§2109.07 Penalties, Fines, and Interest	I-7
	§2109.08 Allegheny County Air Pollution Control Fund & Air Quality Fund	I-7
	§2109.09 Allegheny County Clean Air Fund .....	I-8
	§2109.10 Appeals	I-9
	§2109.11 Citizen Suits	I-10
	§2109.12 Limitation on Action	I-11
	§2109.20 General Federal Conformity .....	I-11



## **PART A - GENERAL**

### **§2101.01 SHORT TITLES** {effective February 1, 1994}

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

### **§2101.02 DECLARATION OF POLICY AND PURPOSE**

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

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

### **§2101.03 EFFECTIVE DATE AND REPEALER**

*{effective February 1, 1994, as amended March 15, 1995, and September 6, 1995, effective October 20, 1995}*

This Ordinance and Article shall become effective February 1, 1994. Upon such effective date, Sections 402, 520, 528, 530, and 602 of this Ordinance and Article XX, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, which first became effective January 1, 1981, and were last amended on February 3, 1993, are repealed. The first amendments and additions to this Article (all provisions unless otherwise indicated) shall become effective October 20, 1995, and upon such effective date, Sections 1 through 1002 of this Ordinance, and all sections of Article XX, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, and all figures therein and appendices thereto, which first became effective January 1, 1981, and were last amended on February 3, 1993, are repealed.

### **§2101.04 EXISTING ORDERS**

Except as may otherwise be required by law, all orders heretofore issued shall continue in full force and effect, but in no event shall such orders relieve any person from the duty to comply with this Article except as specifically set forth in such orders.

### **§2101.05 EXISTING PERMITS AND LICENSES**

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

- a. Except as may otherwise be required by law:
  - 1. All Operating Permits, Non-Complying Source Operating Permits, Open Burning Permits, Waste-Derived Liquid Fuel Operating Permits, Abrasive Blasting Permits, Asbestos Abatement Permits, and Asbestos Abatement Contractor Licenses heretofore issued shall continue in full force and effect until expired, terminated, or revoked in accordance with Part C, D, E, or I of this Article, but

in no event shall such permits or licenses relieve any person from the duty to comply with this Article except as specifically set forth in such permits or licenses; and

2. All Installation Permits and Waste-Derived Liquid Fuel Installation Permits heretofore issued shall continue in full force and effect until expired, terminated, or revoked in accordance with Part B, D, E, or I of this Article, but in no event shall such permits relieve any person from the duty to comply with this Article.
- b. For purposes of this Section, Operating permits heretofore issued to sources shall not expire until the permit pursuant to Part C of this Article is issued.

## **§2101.06 CONSTRUCTION AND INTERPRETATION**

- a. **Liberal Construction.** This Article is adopted pursuant to the police and Health Department powers of the County of Allegheny and is intended to protect the health, safety and welfare of the citizens of Allegheny County. Therefore, the provisions of this Article shall be liberally construed to give full effect to the purposes of this Article.
- b. **Provisions Cumulative.** The provisions of this Article shall be cumulative. Therefore, except as may be otherwise explicitly provided for in this Article, compliance with any provision of this Article shall in no manner relieve any person of the duty to fully comply with any other provision of this Article.
- c. **Conflict.** In the event that the provisions of this Article conflict, the provision which results in the lowest permissible emission rate shall prevail, absent clear and convincing evidence that a different provision is intended to prevail.
- d. **Ambiguity.**
  1. In the event that more than one interpretation is reasonably possible as to which of two or more provisions of this Article apply, the provision which results in the lowest permissible emission rate shall prevail, absent clear and convincing evidence that a different provision is intended to prevail.
  2. In the event that more than one interpretation is reasonably possible as to any provision of this Article, the interpretation which results in the lowest permissible emission rate shall prevail, absent clear and convincing evidence that a different interpretation is intended to prevail.
- e. **Provisions Severable.** The provisions of this Article shall be severable. If any provision of this Article is found by a court to be unconstitutional or otherwise void, the remaining provisions of this Article shall remain valid unless the court finds that such remaining provisions are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Commissioners would have enacted such provisions without the void provision, or unless the court finds that such remaining provisions, standing alone, are incomplete and incapable of being executed in accordance with the Commissioners' intent.
- f. **Burden of Proof.** In any proceeding arising out of the provisions of this Article, or arising out of an order issued or action taken pursuant to this Article, any person who claims entitlement to any exemption which may be provided for in this Article, or in an order issued pursuant to this Article, or who claims that a provision or interpretation other than the one resulting in the lowest permissible emission rate was intended to prevail pursuant to this Section shall bear the burden of proof and the burden of going forward with respect to such claim.

g. **Separate Offenses.**

1. Violations of any requirement of this Article, or any order or permit issued pursuant to this Article, occurring on separate days shall be considered separate offenses.
2. Violations of any ambient air quality standard established by this Article occurring on the same day but at separate locations shall be considered separate offenses.

h. **Absolute Liability.** Insofar as permitted by law, this Article is intended to impose absolute liability for violations of the provisions of this Article.

## **§2101.07 ADMINISTRATION AND ORGANIZATION**

*{Subsection c amended May 7, 1998 effective May 15, 1998. Subsections a & c amended May 8, 2015, effective June 19, 2015.}*

- a. **Administration.** This Article shall be administered and enforced by the Allegheny County Health Department Bureau of Environmental Health, by the Director of the Allegheny County Health Department, and by the County of Allegheny pursuant to authority granted in the Local Health Administration Law, 1951, Aug. 24, P.L. 1304, 16 P.S. §§12001 et seq. and the Second Class County Code, 1953, July 28, P.L. 723, 16 P.S. §§3101 et seq.
- b. **Amendments.** Amendments to this Article shall be made in conformity with the Local Health Administration Law, 1951, Aug. 24, P.L. 1304, and the Second Class County Code, 1953, July 28, P.L. 723. A public hearing and a 30 day public comment period shall be conducted by the Board of Health prior to its consideration of any significant amendment or additions to this Article or any amendment or additions to this Article which constitute a proposed amendment to the County's portion of any SIP required under the Clean Air Act.
- c. **Air Pollution Control Advisory Committee.** There is hereby established an Air Pollution Control Advisory Committee which may recommend to the Board of Health additions and changes to this Article and advise the Bureau of Environmental Health and the Board of Health on matters relative to the control of air pollution which are brought to its attention by any person.
  1. The Air Pollution Control Advisory Committee shall consist of at least 9 and up to 15 individuals appointed by the County Executive. Each member may identify an alternate in writing to vote in his/her stead. The member shall provide the name, address, and phone number of the alternate to the Chair of the Advisory Committee. The term of the alternate shall be that of the member or until the member identifies another alternate.
  2. All members of the Advisory Committee shall be appointed for a term of three (3) years or until the next appointment, whichever is longer.
  3. The Director, Deputy Director Bureau of Environmental Health, and Air Program Manager shall be ex-officio members of the Committee but shall not have the right to vote on matters before the Committee.
  4. Advisory Committee members may include both residents of Allegheny County and non-residents who have been deemed by the County Executive to have pertinent expertise. The Advisory Committee shall consist of a balance of representatives of industry, environmental organizations, academia, small business, and general citizenry, who maintain credentials in, or experience in, or knowledge of the field of air pollution.
  5. A member or his/her alternate is expected to be in attendance at all Advisory Committee meetings. If a member or his/her alternate is not in attendance at more than 3 out of any six (6) consecutive

meetings, he/she will be notified by the County that his/her membership has been forfeited. A member may petition the Director for reinstatement at the next Advisory Committee meeting.

6. The Advisory Committee shall elect from its members a Chair and a Vice Chair of the Committee. The election shall be for one year terms and held at the first meeting after September 1 of each year.
7. The Advisory Committee shall meet at the call of the Chair, or at the request of the Director of the Allegheny County Health Department or the Board of Health, or upon the written request of any three (3) members of the Advisory Committee.
8. The Advisory Committee shall adopt such procedures as it deems necessary to conduct its business and shall adopt such provisions as are necessary in order to consider matters which are brought to its attention by any person or group.
9. A quorum shall be required to conduct the business of the Advisory Committee. A quorum shall consist of not less than a majority of the voting members of the Advisory Committee.

d. **Right to Information.**

1. All records, reports, and other information in the possession of the Allegheny County Health Department relevant to the issuance of administrative orders, the issuance, revocation, or rejection of permits, the reporting of shutdowns or breakdowns, the determination of permissible, potential, or actual emission rates, or air quality data shall be retained by the Department for at least five (5) years following its receipt or generation, or five (5) years following the expiration of any related permit, whichever is longer. All such records, reports, and other information shall be open to inspection by any person except that any such record, reports, other information, or part thereof which would disclose methods or processes protected as trade secrets under the laws of the United States shall not be disclosed to any person other than:
  - A. Officers, employees, and authorized representatives of Allegheny County, the PA DEP, or the U.S. EPA; provided that, such disclosure shall be made only upon such terms and conditions which ensure that such protected information will not be disclosed to other persons; or,
  - B. Courts of the Commonwealth or of the United States in such manner as the court may direct.
2. The Department may establish policies and procedures regarding the time, place, and manner of inspection, and may establish reasonable fees for any material furnished by the Department upon request. All such fees shall be payable to the Allegheny County Air Pollution Control Fund.
3. The Department may refuse such inspections which create an undue burden or unreasonably interfere with the administration of the Department or when disclosure of the information sought may prejudice or interfere with the County's position in pending or anticipated litigation.
4. **Confidential Information.** All records, reports, or information obtained by the Department or referred to at public hearings under the provisions of this Article shall be available to the public as herein provided, except as provided for in this paragraph. Upon cause shown by any person that the records, reports, or information, or a particular portion thereof, but not emission data or any portions of any draft, proposed, or issued permits under this Article:
  - A. To which the Department has access under the provisions of this Article; and
  - B. Which, if made public, would divulge production or sales figures or methods, processes, or production unique to such person or would otherwise tend to affect adversely the

competitive position of such person by revealing trade secrets, including intellectual property rights,

the Department shall consider such record, report, or information, or particular portion thereof confidential in the administration of this Article. The Department shall implement this paragraph consistent with Subsections 112(d) and 114(c) of the Clean Air Act. Nothing herein shall be construed to prevent disclosure of such report, record, or information to Federal, State or local government representatives as necessary for purposes of administration of any Federal, State, or local laws or regulations, or when relevant in any proceeding under this Article.

5. Any information obtained or used by the County in the administration of the provisions of this Article shall be available to the U.S. EPA and PA DEP upon request and without restriction. If the information has been submitted to the County under a claim of confidentiality, upon request the source shall submit this information to the U.S. EPA and PA DEP directly.
- e. **Annual Report.** The Department shall publish an annual air quality report detailing the progress of the County towards the attainment and maintenance of the ambient air quality standards established by this Article.
- f. **Disclosure Statements.** On or before April 15 of each year, the Director of the Allegheny County Health Department, the Deputy Director, Bureau of Environmental Quality, and the head of the Division of Air Quality Engineering Section, Bureau of Environmental Quality, shall file with the Chief Clerk of the County of Allegheny a Disclosure Statement covering the preceding calendar year. The Director, the Deputy Director, Bureau of Environmental Quality, and the head of the Engineering Section, Bureau of Environmental Quality Division of Air Quality shall promptly update the Disclosure Statement whenever necessary to reflect materially changed circumstances.

The Disclosure Statement required by this Subsection shall include at a minimum an identification of all persons subject to this Article and/or all trade or business associations of which such person is a member in which the Director, the Deputy Director, Bureau of Environmental Quality, or the head of the Engineering Section, Bureau of Environmental Quality Division of Air Quality:

1. Owns a controlling interest;
  2. Has five percent (5%) or more of his total assets invested; or
  3. Serves as officer, director, attorney or consultant or has any other official or contractual relationship. The Disclosure Statement shall also include a listing of the amounts and sources of all income received from persons subject to this Article.
- g. **Citizen Complaints.**
1. The Department shall receive, record and retain complaints made concerning air pollution. To the extent possible, the record made by the Department shall include the name and address of the complainant, the nature of the complaint, the source to which the complainant attributes the air pollution, and the date and time of the complaint.
  2. To the extent possible, the Department shall investigate all complaints and shall make and retain a record of such investigation.
  3. It shall be unlawful for any person to knowingly make a false complaint to the Department

## **§2101.10 AMBIENT AIR QUALITY STANDARDS**

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

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

- a. All final national and state ambient air quality standards, promulgated by EPA under the Clean Air Act at 40 CFR part 50, and by the state under the Air Pollution Control Act at 25 Pa. Code Chapter 131, respectively, are hereby incorporated by reference into this Article. Additions, revisions, or deletions to such standards by the EPA and the Commonwealth, respectively are incorporated into this Article and are effective on the effective date established by the federal or state regulations, unless otherwise established by regulation under this Article.
- b. Allegheny County Specific Standards – In addition, the following are ambient standards as they relate to Article XXI §2105.51 , Abrasive Blasting, within Allegheny County:

### CONCENTRATIONS AVERAGED OVER

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

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

## §2101.11 PROHIBITION OF AIR POLLUTION

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

## §2101.12 INTERSTATE AIR POLLUTION

- a. **General.** 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 such manner that emissions from such source:
  - 1. Prevent the attainment or maintenance by any other state of any primary or secondary National Ambient Air Quality Standard; or
  - 2. Interfere with any measure required to be included in the applicable implementation plan for any other state under Part C of the Clean Air Act relating to prevention of significant deterioration of air quality or protection of visibility.



- b. **Findings by EPA.** It shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article for any person to:
1. Construct or operate, or allow to be constructed or operated, any major new or modified source after a finding has been made by the U.S. EPA pursuant to Subsection 126(b) of the Clean Air Act that emissions from such source will have the effect described in Subsection a above; or
  2. Operate, or allow to be operated, any existing major source for more than three (3) months after such a finding has been made, except if such operation has been permitted by U.S. EPA pursuant to Subsection 126(c) of the Clean Air Act.

### **§2101.13 NUISANCES**

Any violation of any requirement of this Article shall constitute a nuisance.

### **§2101.14 CIRCUMVENTION**

For purposes of determining compliance with the provisions of this Article, no credit shall be given to any person for any device or technique, including but not limited to the operation of any source with unnecessary amounts of air, the combining of separate sources except as specifically permitted by this Article, the use of stacks exceeding Good Engineering Practice height as defined by regulations promulgated by the U.S. EPA, at 40 CFR §§51.100 and 51.110 and Subpart I, and other dispersion techniques, which, without reducing the amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise violate the provisions of this Article; except that, for purposes of determining compliance with §2104.04 of this Article concerning odors, credit for such devices or techniques, except for the use of a masking agent, may be given.

---

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

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

**"Abatement"**, for purposes of asbestos abatement, means procedures designed to reduce the potential for fiber release from asbestos-containing materials (ACM). These include removal, encasement, and encapsulation of ACM in any facility.

**"Ablative coating"** means a coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or during aerodynamic heating. The ablative char surface serves as an insulating barrier, protecting adjacent components from the heat or open flame. *{effective July 10, 2003}*

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

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

**"Accidental release"** means an unanticipated emission of any air contaminant into the ambient air from a stationary source.

**"ACM"** {see Asbestos-Containing Material}.

**"Actual emissions"** means the actual rate of emissions in tons per year of any regulated pollutant emitted from a source over the preceding calendar year or any other period determined by the Department to be representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and in-place and operating control equipment, types of materials processed, stored, or combusted during the preceding calendar year or such other time period established by the Department pursuant to the preceding sentence. For purposes of emissions fee calculations for sources subject to Section 2103.20 of this Article, the calendar year for which the fee is assessed shall be used.

**"Account"** means the place in the NOx allowance tracking system where allowances are recorded including allowances held by an NOx affected source. *{January 22, 1998 amendment, effective March 31, 1998}*

**"Account number"** means the identification number given by the Pa DEP NOx Budget Administrator to an account in which NOx allowances are held in the NOx allowance tracking system. *{January 22, 1998 amendment, effective March 31, 1998}*

**"Adequately wetted"**, for purposes of asbestos abatement, means sufficiently mixed or penetrated with amended water to prevent the release of particulates.

**"Adhesion promoter"** means a very thin coating applied to an aerospace vehicle or component substrate to promote wetting and to form a chemical bond with the subsequently applied material. *{effective July 10, 2003}*

**"Adhesive"** means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means. For purposes of wood furniture manufacturing operations under §2105.76, adhesives are not considered coatings. *{effective July 10, 2003}*

**"Adhesive bonding primer"** *{effective July 10, 2003}* means a primer applied in a thin film to aerospace components for the purpose of corrosion inhibition and increased adhesive bond strength by attachment. There are two categories of adhesive bonding primers:

- a. Primers with a design cure at 250 °F or below; and
- b. Primers with a design cure above 250 °F.

**"Adhesive primer"** means a coating applied to an aerospace vehicle or component that does one of the following:

- a. Inhibits corrosion and serves as a primer when applied to bare metal or other surfaces prior to adhesive application; or
- b. Is applied to surfaces that can be expected to contain fuel, with the exception of fuel tanks.

*{effective July 10, 2003}*

**"Administrator"** means the Administrator of the EPA or his designee.

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

**"Advisory Committee"** means the Allegheny County Air Pollution Control Advisory Committee established by Part A of this Article."

**"Aerosol coating"** means a coating expelled from a hand-held pressurized, nonrefillable container in a finely divided spray when a valve on the container is depressed. *{effective July 10, 2003}*

**"Aerospace coating operation"** means an operation using a spray booth, tank or other enclosure of an area, such as a hangar for applying a single type of coating (for example, primer). Using the same spray booth for applying another type of coating--for example, a topcoat--constitutes a separate coating operation for which compliance determinations are performed separately. *{effective July 10, 2003}*

**"Aerospace coating unit"** means a series of one or more coating applicators and any associated drying area or oven wherein a coating is applied, dried, and cured. A coating unit ends at the point where the coating is dried or cured, or prior to a subsequent application of a different coating. It is not necessary to have an associated oven or flashoff area to be included in this definition. *{effective July 10, 2003}*

**"Aerospace primer"** means the first layer and subsequent layers of identically formulated coating applied to the surface of an aerospace vehicle or component. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, or adhesion of subsequent coatings. The term does not include primers that are defined as specialty coatings. *{effective July 10, 2003}*

**"Aerospace surface preparation"** means the removal of contaminants from the surface of an aerospace vehicle or component or the activation or reactivation of the surface in preparation for the application of a coating. *{effective July 10, 2003}*

**"Aerospace touch-up and repair operation"** means that portion of the coating operation that is the incidental application of coating used to cover minor imperfections in the coating finish or to achieve complete coverage. The term includes out-of-sequence or out-of-cycle coating. *{effective July 10, 2003}*

**"Aerospace vehicle or component"** means a fabricated part, processed part, assembly of parts or completed unit, with the exception of electronic components, of any aircraft including, but not limited to, airplanes, helicopters, missiles, rockets, and space vehicles. *{effective July 10, 2003}*

**"Affected source"** means any source that includes an affected unit.

**"Affected states"** are the States of Maryland, Ohio, and West Virginia, and when specifically designated by the Department in accordance with the Clean Air Act, the States of Delaware, New Jersey, and New York, as represented by the air quality permitting agencies, departments, bureaus, divisions, services, or commissions for such States. *{amended September 6, 1995, effective October 20, 1995}*

**"Affected unit"** means a fossil fuel-fired combustion device that is subject to any federal Acid Rain emissions reductions requirement or Acid Rain emissions limitation under 40 CFR Parts 72 through 78, inclusive.

**"Aggressive sampling"**, for purposes of asbestos abatement, means a method of sampling by which the person collecting the air sample creates activity during the sampling period to stir up settled dust and to simulate a degree of activity typical of that area of the facility.

**"Agricultural operations"** means (1) the growing or harvesting of crops (including forest operations) or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution, or (2) agricultural crop preparation services such as packinghouses, nut hullers and processors, dehydrators, and feed and grain mills. Agricultural crop preparation services include only the first processing after harvest, not subsequent processing, canning, or other similar activities. A vehicle that is used for agricultural operations and for other works is considered to be a vehicle used in agricultural operations only if over half of its annual operating hours are for agricultural operations.. *{effective May 1, 2010}*

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

**"Aircraft fluid systems"** means systems that handle hydraulic fluids, fuel, cooling fluids or oils. *{effective July 10, 2003}*

**"Aircraft transparency"** means an aircraft windshield, canopy, passenger window, lens, or another component that is constructed of transparent materials. *{effective July 10, 2003}*

**"Air curtain incinerator"** means a mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and emissions of smoke and other particulate matter are reduced. *{Amended May 8, 2007, effective August 17, 2007}*

**"Air dried coating"** means coatings which are dried by the use of air or forced warm air at temperatures up to 194 F (90 C).

**"Airless spray"** means a spray coating method in which the coating is atomized by forcing it through a small nozzle opening at high pressure. The coating is not mixed with air before exiting from the nozzle opening. *{effective July 10, 2003}*

**"Airlock"**, for purposes of asbestos abatement, means a system for permitting entrance and exit with minimum air movement between areas consisting of three curtained doorways separated by a distance of at least three (3) feet, such that a person passes through the first doorway into the airlock and allows the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing the flow-through of air.

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

**"Air Pollution Control Act"** means the Pennsylvania Air Pollution Control Act, Act of January 8, 1960, P.L. (1959) 2119, No. 787, as amended from time to time, 35 P.S. §4001 et seq.

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

**"Air Pollution Episode"** means a period of time during which high air contaminant concentrations are or may be brought about by meteorological parameters which are conducive to the poor dispersion of air contaminants. "High concentrations" means those concentrations which may result in significant harm to human health or welfare. An Air Pollution Episode is defined to exist only when either a County-wide or Localized Air Pollution Watch is in effect.

**"Airport Ground Support Equipment"** or GSE, means mobile diesel-fueled off-road compression ignition vehicles with maximum power of 25 horsepower or greater used to service and support aircraft operations. GSE vehicles perform a variety of functions, including but not limited to: aircraft maintenance, aircraft fueling, pushing or towing aircraft, transporting cargo to and from aircraft, loading cargo, and baggage handling. GSE vehicles include equipment types such as baggage tugs, belt loaders, and cargo loaders. *{effective May 1, 2010}*

**"Air Quality Action Day"** means a day for which a forecast has been issued by the Pennsylvania Department of Environmental Protection, the Allegheny County Health Department or the Southwest Pennsylvania Air Quality Partnership indicating that ambient concentrations of ozone, particulate matter, carbon monoxide, sulfur dioxide, or nitrogen dioxide might reach unhealthful levels or exceed the National Ambient Air Quality Standards. *{Added by May 29, 2013 amendment, effective June 8, 2013.}*

**"Air sampling"**, for purposes of asbestos abatement, means the process of measuring the fiber content of a known volume of air collected during a specific period of time. In addition, transmission electron microscopy methods may be required when the Department determines that lower detectability or specific fiber identification are necessary.

**"Alert Stage"** means one of the three degrees of severity of air quality deterioration which can occur during a County-wide Air Pollution Watch, and which require specific control measures to avoid significant harm to human health or welfare. An Alert is not necessarily County-wide, but can occur only during a County-wide Watch.

**"Allowable emissions"** means emissions calculated using the maximum rated capacity of the source or such operating rate and/or hours of operation as are specified in an applicable permit condition and the most stringent of:

- a. The applicable emission limitation(s) established by this Article;
- b. Any applicable NSPS or NESHAP established by the EPA; or,
- c. Such other emission rate(s) and/or fuel or materials restrictions as are specified in an applicable federally enforceable permit condition.

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

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

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

**"Amended water"**, for purposes of asbestos abatement, means water to which a chemical wetting agent has been added in accordance with the recommendations of the manufacturer in order to improve the penetration of the water into ACM.

**"Antichafe coating"** means a coating applied to areas of moving aerospace components that may rub during normal operations or installation. *{effective July 10, 2003}*

**"Antique aerospace vehicle or component"** means an antique aircraft, as defined by 14 CFR Part 45 (relating to identification and registration marking), or components thereof. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed. *{effective July 10, 2003}*

**"Antique motor vehicle"** means a motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications. *{effective July 10, 2003}*

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

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

**"Approved landfill"**, regarding asbestos abatement, means a landfill which is licensed or permitted by the appropriate regulatory authority to accept asbestos-containing waste materials and which is operated in accordance with the requirements set forth in 40 CFR Part 61, Subpart M.

**"Aqueous cleaning solvent"** means a solvent in which water is at least 80% by weight of the solvent. Aqueous cleaning solvents solutions have a flash point greater than 93°C (200°F) (as reported by the manufacturer) and the solution is miscible with water. *{effective July 10, 2003}*

**"Area source"**, for purposes of hazardous air pollutant sources, means any stationary source that is not a major source. The term "area source" shall not include motor vehicles or nonroad vehicles subject to regulation under title II of the Clean Air Act.

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

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

**"As applied"** means, for purposes of surface coatings, the VOC and solids content of a coating that is actually used to coat the substrate. The term includes the contribution of materials used for in-house dilution of the coating. *{effective July 10, 2003}*

**"As supplied"** means, for purposes of surface coatings, the VOC and solids content of a coating as sold and delivered to the end user. *{effective July 10, 2003}*

**"Asbestiform fibers"** means fibers at least five (5) micrometers in length, with a length-to-diameter ratio of at least 3 to 1, and with a maximum diameter of three (3) micrometers.

**"Asbestos"** means the asbestiform varieties of a group of naturally occurring minerals that readily separate into fibers, including serpentine (chrysotile), amosite, riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

**"Asbestos-Containing Material" (ACM)** means any material that contains more than one percent (1%) asbestos by weight or area.

**"Asbestos-containing waste material"** means any waste from sources subject to Subpart E-6 of this Article, including, but not limited to, ACM and all asbestos-contaminated objects requiring disposal, including, but not limited to, such things as filters from control devices, bags and other similar packaging contaminated with asbestos, and disposable equipment and clothing.

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

**"Attainment area"** means an area of the County designated as attainment pursuant to §107 of the Clean Air Act.

**"Authorized representative"** means any person who has authority to act on behalf of another person in matters pertaining to this Article. For any actions on behalf of a corporation, the authorized representative's authority must be documented in writing to the Department by a certificate of corporate authority executed by the secretary of the corporation.

**"Automobile"** means any passenger car capable of seating 12 or fewer passengers and all major components of such car including, but not limited to, chassis, frames, doors, and engines.

**"Automotive elastomeric coating"** means a coating designed for application over surfaces of flexible mobile equipment and mobile equipment components, such as elastomeric bumpers. *{effective July 10, 2003}*

**"Automotive impact-resistant coating"** means a coating designed to resist chipping caused by road debris. *{effective July 10, 2003}*

**"Automotive jambing clearcoat"** means a fast-drying, ready-to-spray clearcoat applied to surfaces such as door jambs and trunk and hood edges to allow for quick closure. *{effective July 10, 2003}*

**"Automotive lacquer"** means a thermoplastic coating applied directly to bare metal surfaces of mobile equipment and mobile equipment components which dries primarily by solvent evaporation, and which is resolvable in its original solvent. *{effective July 10, 2003}*

**"Automotive low-gloss coating"** means a coating which exhibits a gloss reading less than or equal to 25 on a 60° glossmeter. *{effective July 10, 2003}*

**"Automotive multicolored topcoat"** means a topcoat that exhibits more than one color, is packaged in a single container, and camouflages surface defects on areas of heavy use, such as cargo beds and other surfaces of trucks and other utility vehicles. *{effective July 10, 2003}*

**"Automotive pretreatment"** means a primer that contains a minimum of 0.5% acid, by weight, that is applied directly to bare metal surfaces of mobile equipment and mobile equipment components to provide corrosion resistance and to promote adhesion of subsequent coatings. *{effective July 10, 2003}*

**"Automotive primer-sealer"** *{effective July 10, 2003}* means a coating applied to mobile equipment and mobile equipment components prior to the application of a topcoat for the purpose of providing corrosion resistance, promoting the following:

- a. Adhesion of subsequent coatings;
- b. Color uniformity; or
- c. The ability of the undercoat to resist penetration by the topcoat.

**"Automotive primer-surfacer"** means a coating applied to mobile equipment and mobile equipment components prior to the application of topcoat for the purpose of: *{effective July 10, 2003}*

- a. Filling surface imperfections in the substrate;
- b. Providing corrosion resistance; or
- c. Promoting adhesion of subsequent coatings.

**"Automotive specialty coating"** means coatings, including, but not limited to, elastomeric coatings, adhesion promoters, low gloss coatings, bright metal trim repair coatings, automotive jambing clearcoats, impact resistant coatings, rubberized asphaltic underbody coatings, uniform finish blenders, weld-through primers applied to automotive surfaces, and lacquer topcoats applied to a classic motor vehicle or to an antique motor vehicle. *{effective July 10, 2003}*

**"Automotive touch-up repair"** means the application of automotive topcoat finish materials to cover minor

finishing imperfections equal to or less than 1 inch in diameter. *{effective July 10, 2003}*

**"BACT"** {see Best Available Control Technology}.

**"Basecoat"** means a coat of colored material, usually opaque, that is ordinarily applied before graining inks, glazing coats or other opaque coatings and is usually covered with an application of topcoat for protection. *{effective July 10, 2003}*

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

**"Board of Commissioners"** means the Board of County Commissioners of Allegheny County, Pennsylvania.

**"Board of Health"** means the Allegheny County Board of Health established by the Pennsylvania Local Health Administration Law, Act of August 24, 1951, P.L. 1304, as amended, 16 P.S. §12001 et seq.

**"Bonding maskant"** means a temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding. *{effective July 10, 2003}*

**"Bottom filling"** means the filling of a tank truck or stationary storage tank through an opening which is flush with or directly adjacent to the tank bottom.

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

**"Btu - British thermal unit"** means the amount of thermal energy necessary to raise the temperature of 1 pound of pure liquid water by 1° F at the temperature at which water has its greatest density (39° F). *{Added by May 29, 2013 amendment, effective June 8, 2013.}*

**"Bulk gasoline plant"** means a gasoline storage and distribution facility with a daily throughput of less than 20,000 gallons (76,000 liters) of gasoline.

**"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 Health. *{Amended September 16, 2022, effective September 26, 2022.}*

**"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.

**"Capture efficiency"**, for purposes of volatile organic compounds, means the ratio of the weight of volatile organic compounds captured by air pollution control equipment for a volatile organic compound source to the weight of the total amount of volatile organic compounds used expressed as a percentage.

**"CARC (chemical agent resistant coating)"** means an exterior topcoat applied to aerospace vehicles or components designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents. *{effective July 10, 2003}*

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



**"Carrier"** means a distributor who transports or stores or causes the transportation or storage of commercial fuel oil without taking title to or otherwise having ownership of the commercial fuel oil, and without altering either the quality or quantity of the commercial fuel oil. The term includes a pipeline, truck or marine vessel distributor. *{Added by May 7, 1998 amendment, effective May 15, 1998. Amended November 28, 2017, effective December 8, 2017. Amended February 10, 2022, effective February 20, 2022.}*

**"Cartridge filter"** means perforated canisters containing filtration paper and/or activated carbon that are used in a pressurized system to remove solid particles and fugitive dyes from soil-laden solvent.

**"CFR"** means the Code of Federal Regulations.

**"Charging emissions"** means any emissions occurring during the introduction of coal into the coke oven from the time that the gate(s) on the larry car coal hopper is opened or mechanical feeders start the flow of coal into the oven until the last charging port seal is replaced. Charging emissions include any air contaminant emitted from one or more charging ports, spaces between the charging port rings and the oven refractory, drop sleeves, larry car hoppers, open standpipes of the oven being charged and any associated air pollution control equipment, but shall not include emissions occurring during the temporary removal of a charging port seal for the purpose of sweeping excess coal spillage into the oven just charged, after such seal has been firmly seated over the charging port following the removal of the larry car. *{effective Feb. 1, 1994. Amended October 26, 2022, effective November 5, 2022.}*

**"Charging port"** means any opening through which coal is, or may be, introduced into a coke oven, whether or not such opening is regularly used for such purpose. *{effective Feb. 1, 1994}*

**"Chemical milling maskant"** means a coating that is applied directly to aluminum aerospace vehicles or components to protect surface areas when chemically milling the component with a Type II etchant. The term does not include maskants used with Type I etchants, bonding maskants, line sealers, and critical use and seal coat maskants. Additionally, maskants that must be used on an individual part or subassembly with a combination of Type II etchants and any of these types of maskants--for example, Type I compatible, bonding, line sealers and critical use and seal coat. *{effective July 10, 2003}*

**"Chemotherapeutic waste"** means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Classic motor vehicle"** means a motor vehicle, but not a reproduction thereof, manufactured at least 15 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance. *{effective July 10, 2003}*

**"Clean Air Act"** means the federal Clean Air Act, as amended from time to time, 42 U.S.C. 7401 et seq., and the rules and regulations promulgated thereunder.

**"Cleaning operation"** means spray-gun, hand-wipe and flush cleaning operations. *{effective July 10, 2003}*

**"Cleaning solvent"** means a liquid material used for hand-wipe spray gun or flush cleaning. The term includes solutions that contain VOCs. *{effective July 10, 2003}*

**"Clean room"**, for purposes of asbestos abatement, means an uncontaminated area or room in the decontamination enclosure system which has provisions for the storage of workers' non-work clothing and clean protective equipment.

**"Clean wood"** means dry, seasoned, natural wood that contains no paint, stains or other types of coatings, and has not been treated with preservatives or chemicals, including copper, chromium arsenate, creosote and pentachlorophenol. *{Added by May 29, 2013 amendment, effective June 8, 2013.}*

**"Clear coat"** means a coating which lacks opacity or which is transparent and uses the under coat as a reflectant base of undertone color, except for extreme performance coatings.

**"Clearance air sampling"** means the employment of aggressive sampling techniques during air monitoring to determine the airborne concentration of residual fibers at the conclusion of an asbestos abatement project.

**"Clearing and grubbing wastes"** means trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

**"Closed-cycle depainting system"** means a dust free, automated process that removes a permanent coating in small sections at a time, and maintains a continuous vacuum around the area being depainted to capture emissions. *{effective July 10, 2003}*

**"CO"** means carbon monoxide.

**"Coating"** means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials include, but are not limited to, paints, topcoats, clearcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings. Except for purposes of wood furniture manufacturing operations under §2105.76, this term also includes adhesives. *{modified July 10, 2003}*

**"Coating solids" (or "solids")** means, for purposes of wood furniture manufacturing operations under §2105.76, the part of the coating which remains after the coating is dried or cured. Solids content is determined using data from the EPA Reference Method 24 or an alternative method approved by the Administrator of the EPA. *{effective July 10, 2003}*

**"Co-fired combustor"** means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted. *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Coil coating"** means the coating of any flat metal sheet or strip.

**"Cold cleaning degreaser"** means any batch-loaded device using non-boiling organic solvent to clean or degrease metal parts.

**"Commence construction"** means that the owner or operator of the source affected has obtained all applicable permits required by this Article and has either:

- a. Begun, caused to be begun, or allowed to be begun, a continuous program of physical on-site installation or modification of any fuel-burning or combustion equipment, process equipment, or air pollution control equipment, or any part thereof; or,
- b. Entered into a binding agreement or contract, which cannot be canceled or modified without significant loss to the owner or operator, to undertake an expeditious program of physical on-site installation or modification of the source or air pollution control device.

**"Commercial exterior aerodynamic structure primer"** means an aerospace vehicle or component primer used on aerodynamic components and structures that protrude from the fuselage, such as wings and attached components, control surfaces, horizontal stabilizers, vertical fins, wing-to-body fairings, antennae and landing gear and doors, for the purpose of extended corrosion protection and enhanced adhesion. *{effective July 10, 2003}*

**"Commercial fuel oil"** means a fuel oil specifically produced, manufactured for sale and intended for use in fuel-burning or combustion equipment. A mixture of commercial fuel oil with noncommercial fuel when greater than

50% of the heat content is derived from the commercial fuel oil portion is considered a commercial fuel oil. The term includes home heating oil. *{added by November 28, 2017 amendment, effective December 8, 2017}*

**"Commercial interior adhesive"** means materials used in the bonding of passenger cabin interior components which meet the Federal Aviation Administration (FAA) fireworthiness requirements. *{effective July 10, 2003}*

**"Common control"**, for purposes of establishing permitting requirements for sources, includes all equipment, operations, activities, and the like either fully or partially owned, operated, managed, supervised, overseen, directed, or otherwise controlled in any way by a source permit applicant or any partner, joint entrepreneur, employer, employee, wholly or partially owned subsidiary or related legal entity, parent company or related legal entity, any wholly or partially owned subsidiary or partner or joint entrepreneur of any parent company, or any other legal entity in a similar relationship to the applicant as those set forth above.

**"Commonwealth"** means the Commonwealth of Pennsylvania.

**"Compatible epoxy primer"** means an aerospace vehicle or component primer that is compatible with the filled elastomeric coating and is epoxy based. The compatible substrate primer is an epoxy-polyamide primer used to promote adhesion of elastomeric coatings such as impact-resistant coatings. *{effective July 10, 2003}*

**"Compatible substrate primer"** means either compatible epoxy primer or adhesive primer applied to aerospace vehicles or components. *{effective July 10, 2003}*

**"Compliant coating"** means a coating that meets the applicable emission limits specified in Part E (relating to standards for sources).

**"Confined space"** means a space that is the following: *{effective July 10, 2003}*

- a. Large enough and so configured that an employee can enter and perform assigned work;
- b. Has limited or restricted means for entry or exit--for example, fuel tanks, fuel vessels, and other spaces that have limited means of entry; and
- c. Not suitable for continuous employee occupancy.

**"Consume"** means the amount of petroleum solvent purchased less the amount of petroleum solvent sent for disposal or returned for recycling during a calendar year. *{Added by 11/5/2025 amendment, effective 11/15/2025.}*

**"Container of coating"** means the bucket, pot, can or other holder from which the coating is applied. *{Added by 11/5/2025 amendment, effective 11/15/2025.}*

**"Containers and conveyors of solvent"** means piping, ductwork, pumps, storage tanks, and other ancillary equipment that are associated with the installation and operation of petroleum dry cleaning washers, dryers, filters, stills, and settling tanks. *{Amended 11/5/2025, effective 11/15/2025.}*

**"Containment barrier"**, for purposes of asbestos abatement, means a temporary, air-tight barrier consisting of minimum six (6) mil plastic sheeting used to seal off all openings into the work area, including but not limited to windows, doorways, corridors, skylights, ducts and grilles.

**"Continuous coater"** means a surface coating process that continuously applies coatings onto parts moving along a conveyor. Coatings that are not transferred to the part are recycled to a reservoir. Several types of application methods can be used with a continuous coater including spraying, curtain coating, roller coating, dip coating, and flow coating. *{effective July 10, 2003}*

**"Conventional air spray"** means a spray coating application method in which the coating is atomized by mixing it with compressed air and applied at an air pressure greater than 10 pounds per square inch (gauge) at the point of atomization. The term does not include: *{effective July 10, 2003}*

- a. Airless and air assisted airless spray technologies; and
- b. Electrostatic spray technology.

**"Conveyorized degreaser"** means any continuously loaded device, containing either boiling or non-boiling solvents, used to clean metal parts or used in the production of electronic circuit boards.

**"Corrosion prevention system"** means a coating system applied to aerospace vehicles or components that provides corrosion protection by displacing water and penetrating mating surfaces, forming a protective barrier between the metal surface and moisture. Coatings containing oils or waxes are excluded from this category. *{effective July 10, 2003}*

**"Cosmetic specialty coatings"** means materials including padding stains, shading stains, sap stains, spatter stains, fillers, waxes, and inks applied to enhance wood finishes. *{effective July 10, 2003}*

**"County"** means Allegheny County, Pennsylvania.

**"County Council"** means the Council of Allegheny County, Pennsylvania. *{Added by August 29, 2013 amendment, effective September 23, 2013.}*

**"County Executive"** means the Chief Executive of Allegheny County, Pennsylvania, as defined in the Allegheny County Home Rule Charter. *{Added by August 29, 2013 amendment, effective September 23, 2013. Amended May 8, 2015, effective June 19, 2015.}*

**"County-Wide Air Pollution Watch"** means a period of time, defined solely on meteorological criteria, during which poor dispersion of air contaminants may occur throughout Allegheny County.

**"CPDS (Certified Product Data Sheet)"** means documentation furnished by a coating supplier or an outside laboratory for a coating, strippable spray booth coating, or solvent that provides the VOC content as pounds of VOC per pound of coating solids calculated from data measured using the EPA Reference Method 24 or an equivalent or alternative method. Batch formulation data may be used if it is demonstrated to the satisfaction of the Administrator of the EPA that the coating does not release additional VOC as reaction byproducts during the cure. The VOC content stated should represent the maximum VOC emission potential of the coating, strippable spray booth coating, or solvent.

**"Critical use and line sealer maskant"** means a temporary coating applied to aerospace vehicles or components, not covered under other maskant categories, used to protect selected areas of aerospace parts from strong acid or alkaline solutions such as those used in anodizing, plating, chemical milling and processing of magnesium, titanium or high strength steel, high precision aluminum chemical milling of deep cuts and aluminum chemical milling of complex shapes. The term includes materials used for repairs or to bridge gaps left by scribing operations--that is, a line sealer. *{effective July 10, 2003}*

**"Cryogenic flexible primer"** means a primer applied to aerospace vehicles or components designed to provide corrosion resistance, flexibility and adhesion of subsequent coating systems when exposed to loads up to and surpassing the yield point of the substrate at cryogenic temperatures (-275°F and below). *{effective July 10, 2003}*

**"Cryoprotective coating"** means a coating applied to aerospace vehicles or components that:

- a. Insulates cryogenic or subcooled surfaces to limit propellant boil-off;
- b. Maintains structural integrity of metallic structures during ascent or reentry; or
- c. Prevents ice formation.

*{effective July 10, 2003}*

**"CTG"** means a Control Technique Guideline published by the Administrator under Section 108 of the Clean Air Act.

**"Cutback asphalt"** means asphalt cement which has been liquified by blending with petroleum solvents (dilutents) which upon application evaporate to the atmosphere, but not including any emulsified asphalt paving compound which contains less than 12% of solvent (diluent) by volume.

**"Cyanoacrylate adhesive"** means a fast-setting, single component adhesive that cures at room temperature. The term is also known as "super glue." *{effective July 10, 2003}*

**"Decontamination enclosure system"**, for purposes of asbestos abatement, means a series of connected chambers, separated from the work area and from each other by airlocks, which is for the decontamination of workers, materials and equipment.

**"Demolition"**, for purposes of asbestos abatement, means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

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

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

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

**"Designated representative"** shall have the meaning given to it in Subsection 402(26) of the Clean Air Act and the regulations promulgated thereunder.

**"Diesel"** means, for the purposes of §2105.91, type of engine with operating characteristics significantly similar to the theoretical Diesel combustion cycle. The non-use of a throttle during normal operation is indicative of a diesel engine (ref: 40 CFR 86.090-2). *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

**"Diesel powered motor vehicle"** means a self-propelled vehicle designed for transporting persons or property which is propelled by a compression ignition type of internal combustion engine. The definition does not include non-road diesel vehicles, or marine vessels. *{Added by June 13, 2005 Amendment, effective June 23, 2005.}*

**"Dip coating"** means the application of a coating by immersing an object into the coating. *{effective July 10, 2003}*

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

**"Distributor"** means, for purposes of commercial fuel oil under §2104.10, a person who transports, stores or causes the transportation or storage of commercial fuel oil at any point between a refinery, blending facility or terminal and a retail outlet, wholesale purchaser-consumer's facility or ultimate consumer. The term distributor includes a refinery, a blending facility or a terminal. *{Added by November 28, 2017 amendment, effective December 8, 2017. Amended February 10, 2022, effective February 20, 2022.}*

**"Domestic heating plant"** means equipment used to heat a single family residence, a multiple-dwelling unit of no more than two dwelling units, a temporary building such as those used in the railroad and construction industries, and hot water heaters serving such residences, multiple-dwelling units, and buildings.

**"Domestic refuse-burning equipment"** means any refuse-burning equipment or incinerator serving a single family residence or a multiple-dwelling unit of no more than two dwelling units.

**"Door area"** means the vertical face of a coke oven between the bench and the top of the battery and between two adjacent buckstays, including but not limited to, the door, chuck door, door seal, jamb, and refractory. *{effective Feb. 1, 1994}*

**"Draft permit"** means the version of a permit for which the Department offers public participation under §§2102.05, 2103.11, 2103.13, 2103.14, 2103.15, 2103.21, 2103.23, 2103.24, and 2103.25 of this Article or affected State review under §§2102.05, 2103.21, 2103.23, 2103.24, and 2103.25 of this Article.

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

**"Dry cleaning"** means a process for the cleaning of textiles and fabric products in which articles are washed in a nonaqueous solution (solvent) and then dried by exposure to a heated air stream. *{Added by 11/5/2025 amendment, effective 11/15/2025.}*

**"Dry cleaning facility"** means a facility engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter, and purification systems, waste disposal systems, holding tanks, pumps, and attendant piping and valves.

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

**"Electric or radiation-effect coating"** means a coating or coating system applied to aerospace vehicles or components engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared, or microwave regions. Uses include, but are not limited to, lightning strike protection, electromagnetic pulse (EMP) protection, and radar avoidance. The term excludes coatings that have been designated "classified" by the Department of Defense. *{effective July 10, 2003}*

**"Electric utility steam generating unit"** means any fossil fuel fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale shall be considered an electric utility steam generating unit.

**"Electrostatic discharge and electromagnetic interference (EMI) coating"** means a coating applied to space vehicles, missiles, aircraft radomes, and helicopter blades to disperse static energy or reduce electromagnetic interference. *{effective July 10, 2003}*

**"Elevated temperature skydrol resistant commercial primer"** means a primer, applied primarily to commercial aircraft (or commercial aircraft adapted for military use), that must withstand immersion in phosphate-ester (PE) hydraulic fluid (skydrol 500B or equivalent) at the elevated temperature of 150°F for 1,000 hours. *{effective July 10, 2003}*

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

**"Emission limitation"** means any requirement established by this Article or by state or federal law which limits the quantity, rate, or concentration of emissions, including, but not limited to, any requirement or combination of requirements relating to the operation, maintenance, or design of a source or air pollution control equipment.

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

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

**"Emissions allowable under the permit"** means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

**"Emissions unit"** means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Subsection 112(b) of the Clean Air Act. This term is not meant to alter or affect the definition of the term "unit" for purposes of title IV of the Act.

**"Enamel"** means a coat of colored material, usually opaque, that is applied as a protective topcoat over a basecoat, primer, or previously applied enamel coat. Another coating may be applied as a topcoat over the enamel.

**"Encapsulant"** means a liquid material which can be applied to ACM to temporarily control the potential release of asbestos fibers from the material either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant).

**"Encapsulation"** means the coating or spraying of ACM with an encapsulant in order to temporarily control the potential release of asbestos fibers from said material.

**"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.

**"EQB"** means Pennsylvania's Environmental Quality Board as described in Section 5 of the Pennsylvania Air Pollution Control Act. *{Added September 16, 2022, effective September 26, 2022.}*

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

**"Epoxy polyamide topcoat"** means a coating applied to aerospace vehicles or components when harder films are required or in some areas where engraving is accomplished in camouflage colors. *{effective July 10, 2003}*

**"Equipment operator"** means any person who is in actual physical control of a piece of off-road equipment. *{effective May 1, 2010}*

**"Equipment owner"** means the registered owner, lessee, licensee, or bailee of any piece of off-road equipment who operates or directs the operation of any such equipment on either a for-hire or not-for-hire basis. *{effective May 1, 2010}*

**"Equipment room"**, for purposes of asbestos abatement, means a contaminated area or room in the decontamination enclosure system which has provisions for the storage of contaminated clothing and equipment.

**"Equivalent method"** means a method of sampling and analyzing for an air pollutant that has been demonstrated to the satisfaction of the Administrator of the EPA to have a consistent and quantitatively known relationship to the reference method under specific conditions. *{effective July 10, 2003}*

**"Exempt solvent"** means specified organic compounds that have been designated by the EPA as having negligible photochemical reactivity and are listed in 40 CFR 51.100 (relating to requirements for preparation, adoption and submittal of implementation plans). *{effective July 10, 2003}*

**"Excess reductions in emissions of NO<sub>x</sub>"** means emission reductions for which the Administrator determines that net air quality benefits are greater in the absence of such reductions, or for:

- a. Nonattainment areas not within an ozone transport region under Section 184 of the Clean Air Act, emission reductions that the Administrator determines would not contribute to attainment of the NAAQS for ozone in the area; or
- b. Nonattainment areas within such an ozone transport region, emission reductions that the Administrator determines would not produce net ozone air quality benefits in such region.

**"Existing solid waste incineration unit"** means a solid waste unit which is not a new or modified solid waste incineration unit.

**"Existing source"** means any stationary source other than a new source.

**"Exterior panels"** means panels made of solid wood, hardboard or waferboard. Paneling made of solid wood or hardboard is typically primed at the manufacturing facility and finished in the field, although some finishing may be performed during manufacturing. *{effective January 1, 2011}*

**"Extreme environmental conditions"**, for purposes of surface coatings, means exposure to: weather all of the time, temperatures consistently above 203 F (95 C), detergents, abrasive and scouring agents, solvents, corrosive atmospheres, or similar environmental conditions.

**"Extreme performance coatings"** means coatings designed and used for harsh exposure or extreme environmental conditions.

**"Fabric coating"** means the coating of a textile substrate by any method, including, but not limited to, roll coating, knife coating, spray coating, or use of a rotogravure device in order to impart properties that are not initially present, such as strength, stability, water or acid repellency, or appearance.

**"Facility"**, for purposes of asbestos abatement, means any institutional, commercial, public, or industrial structure, installation or building, and any residential structure, installation, or building consisting of more than four (4) dwelling units.

**"Facility component"** means any part of a facility, including, but not limited to, pipes, ducts, boilers, tank reactors, turbines, furnaces, any other equipment in a facility, or any structural member of a facility.

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

**"Final permit"** means the version of a Part C Subpart 2 permit issued by the Department that has completed all review procedures required by §§2102.05, 2103.11, 2103.13, 2103.14, 2103.15, 2103.21, 2103.23, 2103.24, and 2103.25 of this Article.

**"Final repair coat"** means liquids applied to correct imperfections or damage to the topcoat. *{effective July 10, 2003}*

**"Fire-resistant (interior) coating"** means: *{effective July 10, 2003}*

- a. For civilian aircraft, fire-resistant interior coatings are used on passenger cabin interior parts that are subject to the Federal Aviation Administration fireworthiness requirements;
- b. For military aircraft, fire-resistant interior coatings are used on parts that are subject to the flammability requirements of MIL-STD-1630A and MIL-A-87721; and
- c. For space applications, these coatings are used on parts that are subject to the flammability requirements of SE-R-0006 and SSP 30233.

**"Flat wood panel coating"** means protective, decorative or functional materials applied to flat wood panel products, including interior panels, exterior panels or tileboard (class I hardboard). *{effective January 1, 2011}*

**"Flexible primer"** means a primer applied to aerospace vehicles or components that meets flexibility requirements such as those needed for adhesive bond primed fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible, flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between the fasteners, skin and skin-to-skin joints on outer aircraft skins. This



flexible bridge allows more topcoat flexibility around fasteners and decreases the chance of the topcoat cracking around the fasteners. The result is better corrosion resistance. *{effective July 10, 2003}*

**"Flexographic printing"** means the application of words, designs, and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

**"Flight test coating"** means a coating applied to aircraft other than missiles or single-use aircraft prior to flight testing to protect the aircraft from corrosion and to provide required marking during flight test evaluation. *{effective July 10, 2003}*

**"Flue"** means any duct, pipe, stack, chimney, or conduit which conducts air contaminants into the open air and which permits the performance of the test methods and procedures established by Part G of this Article. *{Amended October 26, 2022, effective November 5, 2022.}*

**"Flush cleaning"** means removal of contaminants such as dirt, grease, oil and coatings from an aerospace vehicle or component or coating equipment by passing solvent over, into or through the item being cleaned. The solvent simply may be poured into the item being cleaned and then drained or assisted by air or hydraulic pressure or by pumping. The term does not include hand-wipe cleaning operations where wiping, scrubbing, mopping or other hand action is used. *{effective July 10, 2003}*

**"Forecast"** means a prediction of weather conditions received from a Professional Meteorologist in the Health Department or who is a consultant to the Health Department, or a weather prediction from the United States National Weather Service.

**"Fossil Fuel"** means natural gas, petroleum, coal or any form of solid, liquid or gaseous fuel derived from this material, but not including coke oven gas, blast furnace gas, or waste fuels. *{Jan 22, 1998 amendment, effective March 31, 1998}*

**"Freeboard ratio"** means, for a cold cleaning degreaser, the distance from the liquid solvent to the top edge of the degreaser divided by the degreaser width (not length); or, for an operating vapor degreaser or a conveyORIZED degreaser, the distance from the top of the solvent vapor layer to the top edge of the degreaser divided by the degreaser width (not length).

**"Fuel"** means any form of combustible matter, whether solid, liquid, vapor, gas, or any combination thereof, which is primarily intended for, or used as, a source of heat.

**"Fuel-burning or combustion equipment"** means any furnace, boiler, apparatus, flue, and all appurtenances thereto, used in the burning of fuel for the primary purpose of producing heat or power by indirect heat transfer, or producing power by direct momentum transfer.

**"Fuel tank adhesive"** means an adhesive used to bond aerospace vehicle components exposed to fuel and which must be compatible with fuel tank coatings. *{effective July 10, 2003}*

**"Fuel tank coating"** means a coating applied to aerospace vehicle fuel tank components for the purpose of corrosion or bacterial growth inhibition and to assure sealant adhesion in extreme environmental conditions. *{effective July 10, 2003}*

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

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

**"Gasoline"** means any petroleum distillate having a Reid vapor pressure of four (4) pounds per square inch (28 kilopascals) or greater and which is a liquid at standard temperature and pressure.

**"Gasoline tank truck"** means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to small gasoline storage tanks, bulk gasoline plants, or bulk gasoline terminals.

**“General Multi-Component Coating”** means, effective January 1, 2014, a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film. *{Added by May 29, 2013 amendment, effective June 8, 2013.}*

**“General One Component Coating”** means, effective January 1, 2014, a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component. *{Added by May 29, 2013 amendment, effective June 8, 2013.}*

**"Glovebag technique"** means a method for removing ACM from heating, ventilation, and air conditioning (HVAC) ducts, short pipe runs, valves, joints, elbows, and other nonplanar surfaces in a noncontained work area. The glovebag assembly is a manufactured device consisting of a bag (constructed of six (6) mil transparent plastic), two inward-projecting long-sleeve rubber gloves, one inward-projecting waterwand sleeve, an internal tool pouch, and an attached labeled receptacle for asbestos waste. The glovebag is constructed and installed in such a manner that it surrounds the object or area from which ACM is to be removed and contains all asbestos fibers released during the removal process.

**"Gross vehicle weight rating"** means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle (ref: 40 CFR 86.082-2). *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

**"Hand-wipe cleaning operation"** means removing contaminants such as dirt, grease, oil and coatings from an aerospace vehicle or component by physically rubbing it with a material such as a rag, paper or cotton swab that has been moistened with a cleaning solvent. *{effective July 10, 2003}*

**"Hard slag ladle pit"** means a confined excavated area into which molten slag from the tapping of a blast furnace is poured from portable ladles and in which the slag, before being removed, is cooled by radiation of heat to the open air and by application of water which may contain reactive agents.

**"Hazardous air pollutant"** means:

a. Any of the following air pollutants:		(CAS) number	Chemical name
Chemical Abstract Service	(CAS) number	Chemical name	
	75070	Acetaldehyde	95487 o-Cresol
	60355	Acetamide	108394 m-Cresol
	75058	Acetonitrile	106445 p-Cresol
	98862	Acetophenone	98828 Cumene
	53963	2-Acetylaminofluorene	94757 2,4-D, salts and esters
	107028	Acrolein	3547044 DDE
	79061	Acrylamide	334883 Diazomethane
	79107	Acrylic acid	132649 Dibenzofurans
	107131	Acrylonitrile	96128 1,2-Dibromo-3-chloropropane
	107051	Allyl chloride	84742 Dibutylphthalate
	92671	4-Aminobiphenyl	106467 1,4-Dichlorobenzene(p)
	62533	Aniline	91941 3,3-Dichlorobenzidine
	90040	o-Anisidine	111444 Dichloroethyl ether
	1332214	Asbestos	(Bis(2-chloroethyl)ether)
	71432	Benzene (including benzene from gasoline)	542756 1,3-Dichloropropene
	92875	Benzidine	62737 Dichlorvos
	98077	Benzotrichloride	111422 Diethanolamine
	100447	Benzyl chloride	121697 N,N-Diethyl aniline
	92524	Biphenyl	(N,N-Dimethylaniline)
	117817	Bis(2-ethylhexyl)phthalate (DEHP)	64675 Diethyl sulfate
	542881	Bis(chloromethyl)ether	119904 3,3-Dimethoxybenzidine
	75252	Bromoform	60117 Dimethyl aminoazobenzene
	106990	1,3-Butadiene	119937 3,3-Dimethyl benzidine
	156627	Calcium cyanamide	79447 Dimethyl carbamoyl chloride
	105602	Caprolactam	68122 Dimethyl formamide
	133062	Captan	57147 1,1-Dimethyl hydrazine
	63252	Carbaryl	131113 Dimethyl phthalate
	75150	Carbon disulfide	77781 Dimethyl sulfate
	56235	Carbon tetrachloride	534521 4,6-Dinitro-o-cresol, and salts
	463581	Carbonyl sulfide	51285 2,4-Dinitrophenol
	120809	Catechol	121142 2,4-Dinitrotoluene
	133904	Chloramben	123911 1,4-Dioxane (1,4-Diethyleneoxide)
	57749	Chlordane	122667 1,2-Diphenylhydrazine
	7782505	Chlorine	106898 Epichlorohydrin
	79118	Chloroacetic acid	(1-Chloro-2,3-epoxypropane)
	532274	2-Chloroacetophenone	106887 1,2-Epoxybutane
	108907	Chlorobenzene	140885 Ethyl acrylate
	510156	Chlorobenzilate	100414 Ethyl benzene
	67663	Chloroform	51796 Ethyl carbamate (Urethane)
	107302	Chloromethyl methyl ether	75003 Ethyl chloride (Chloroethane)
	126998	Chloroprene	106934 Ethylene dibromide
	1319773	Cresols/Cresylic acid (isomers and mixture)	(Dibromoethane)
			107062 Ethylene dichloride
			(1,2-Dichloroethane)
			107211 Ethylene glycol
			151564 Ethylene imine (Aziridine)
			75218 Ethylene oxide

<u>(CAS) number</u>	<u>Chemical name</u>	<u>(CAS) number</u>	<u>Chemical name</u>
96457	Ethylene thiourea	106503	p-Phenylenediamine
75343	Ethylidene dichloride	75445	Phosgene
	(1,1-Dichloroethane)	7803512	Phosphine
50000	Formaldehyde	7723140	Phosphorus
76448	Heptachlor	85449	Phthalic anhydride
118741	Hexachlorobenzene	1336363	Polychlorinated biphenyls
			(Aroclors)
87683	Hexachlorobutadiene	1120714	1,3-Propane sultone
77474	Hexachlorocyclopentadiene	57578	beta-Propiolactone
67721	Hexachloroethane	123386	Propionaldehyde
822060	Hexamethylene-1,6-diisocyanate	114261	Propoxur (Baygon)
680319	Hexamethylphosphoramide	78875	Propylene dichloride
110543	Hexane		(1,2-Dichloropropane)
302012	Hydrazine	75569	Propylene oxide
7647010	Hydrochloric acid	75558	1,2-Propylenimine
7664393	Hydrogen fluoride		(2-Methyl aziridine)
	(Hydrofluoric acid)	91225	Quinoline
123319	Hydroquinone	106514	Quinone
78591	Isophorone	100425	Styrene
58899	Lindane (all isomers)	96093	Styrene oxide
108316	Maleic anhydride	1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
67561	Methanol	79345	1,1,2,2-Tetrachloroethane
72435	Methoxychlor	127184	Tetrachloroethylene
74839	Methyl bromide (Bromomethane)		(Perchloroethylene)
74873	Methyl chloride (Chloromethane)	7550450	Titanium tetrachloride
71556	Methyl chloroform	108883	Toluene
	(1,1,1-Trichloroethane)	95807	2,4-Toluene diamine
78933	Methyl ethyl ketone (2-Butanone)	584849	2,4-Toluene diisocyanate
60344	Methyl hydrazine	95534	o-Toluidine
74884	Methyl iodide (Iodomethane)	8001352	Toxaphene (chlorinated camphene)
108101	Methyl isobutyl ketone (Hexone)	120821	1,2,4-Trichlorobenzene
624839	Methyl isocyanate	79005	1,1,2-Trichloroethane
80626	Methyl methacrylate	79016	Trichloroethylene
1634044	Methyl tert butyl ether	95954	2,4,5-Trichlorophenol
101144	4,4-Methylene bis(2-chloroaniline)	88062	2,4,6-Trichlorophenol
75092	Methylene chloride	121448	Triethylamine
	(Dichloromethane)	1582098	Trifluralin
101688	Methylene diphenyl diisocyanate (MDI)	540841	2,2,4-Trimethylpentane
101779	4,4-Methylenedianiline	108054	Vinyl acetate
91203	Naphthalene	593602	Vinyl bromide
98953	Nitrobenzene	75014	Vinyl chloride
92933	4-Nitrobiphenyl	75354	Vinylidene chloride
100027	4-Nitrophenol		(1,1-Dichloroethylene)
79469	2-Nitropropane	1330207	Xylenes (isomers and mixture)
684935	N-Nitroso-N-methylurea	95476	o-Xylenes
62759	N-Nitrosodimethylamine	108383	m-Xylenes
59892	N-Nitrosomorpholine	106423	p-Xylenes
56382	Parathion	0	Antimony Compounds
82688	Pentachloronitrobenzene	0	Arsenic Compounds (inorganic including arsine)
	(Quintobenzene)	0	Beryllium Compounds
87865	Pentachlorophenol	0	Cadmium Compounds
108952	Phenol	0	Chromium Compounds

<u>(CAS) number</u>	<u>Chemical name</u>	<u>(CAS) number</u>	<u>Chemical name</u>
0	Cobalt Compounds	0	Mercury Compounds
0	Coke Oven Emissions	0	Fine mineral fibers <sup>3</sup>
0	Cyanide Compounds <sup>1</sup>	0	Nickel Compounds
0	Glycol ethers <sup>2</sup>	0	Polycyclic Organic Matter <sup>4</sup>
0	Lead Compounds	0	Radionuclides (including radon) <sup>5</sup>
0	Manganese Compounds	0	Selenium Compounds

and;

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

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

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

**"Heavy duty"** means any motor vehicle with a gross vehicle weight rating of more than 8500 pounds, or that has a curb weight of more than 6000 pounds, or that has a passenger carrying capacity of more than 12 persons. *{Added by September 8, 2004 amendment, revised by June 13, 2005 amendment, effective July 10, 2005.}*

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

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

**"High-silica abrasive"** means an abrasive which contains equal to or greater than five percent (5%), by weight, of free silica (silicon dioxide, SiO<sub>2</sub>).

**"High temperature coating"** means for purposes of §2105.74, an aerospace vehicle or component coating designed to withstand temperatures of more than 350°F. *{Effective July 10, 2003. Amended 11/5/2025, effective 11/15/2025.}*

**"HMIWI" or "HMIWI unit"** means hospital/medical/infectious waste incinerator. *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Hopper car"** means a rail car which is used to transport raw materials such as coal, iron ore, or grain in bulk and in an unpackaged form.

**"Hospital"** means any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision. *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Hospital/medical/infectious waste incinerator"** means any device that combusts any amount of hospital waste and/or medical/infectious waste. *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Hospital/medical/infectious waste incinerator operator"** means any person who operates, controls or supervises the day-to-day operation of an HMIWI. *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Hospital waste"** means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation. *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Hybrid electric bus or vehicle"** means any school bus equipped with at least the following two sources of motive energy on board: *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

- a. an electric drive motor that must be used to partially or fully drive the bus or vehicle wheels; and
- b. one of the following:
  1. an internal combustion engine;
  2. a turbine; or
  3. a fuel cell.

**"Hydraulic fracturing"** means a well stimulation technique which consists of pumping water, chemicals, and a propping agent, such as sand, or other fluids and materials down the wellbore under high pressure to create and maintain induced fractures in the hydrocarbon-bearing rock of the target geologic formation. *{Added by December 27, 2013 amendment, effective January 7, 2014.}*

**"Idling"** means the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine manufacturer, or when the accelerator is fully released and there is no load on the engine. **"Idling"** means, for the purposes of off-road-equipment, the engine is running while the piece of off-road equipment is not performing work. *{Added by September 8, 2004 amendment, revised by April 16, 2010 amendment, effective May 1, 2010.}*

**"Incinerator"** means any device, including domestic refuse-burning equipment, primarily used for the destruction of solid, liquid, or gaseous wastes, or any combination thereof, by burning, but not including devices used primarily as fuel-burning or combustion equipment or as process equipment.

**"Increments of progress"** means steps towards compliance with an emission limitation, including at a minimum the date of submittal of the source's compliance plan, the date of submittal of an Installation Permit application, the date on which contracts or purchase orders will be issued, the date of initiation of on-site construction, installation, or process change, the date of completion of such construction, installation, or change, and the date by which final compliance will be achieved.

**"Independent consulting company"**, for asbestos abatement purposes, means a company which has no financial interest in, or personal association with, the facility owner or operator, the general contractor, or the asbestos abatement contractor or subcontractor.

**"Independent laboratory"**, for asbestos abatement purposes, means a laboratory which has no financial interest in, or personal association with, the facility owner or operator, the general contractor, or the asbestos abatement contractor or subcontractor.

**"Install"** means to undertake the permanent on-site construction or placement of any fuel-burning or combustion equipment, process equipment, air pollution control equipment, or any part thereof, beginning with the breaking of ground and continuing until the start-up of such equipment.

**"Insulation covering"** means a material that is applied to foam insulation to protect the insulation from mechanical or environmental damage. *{effective July 10, 2003}*

**"Interior panels"** means interior wall paneling that is usually grooved, frequently embossed and sometimes grain printed to resemble various wood species. Interior panels are typically manufactured at the same facilities as tileboard, although in much smaller quantities. The substrate can be hardboard, plywood, medium density fiberboard (MDF) or particleboard. *{effective January 1, 2011}*

**"Intermediate release coating"** means a thin coating applied beneath topcoats on aerospace vehicles or components to assist in removing the topcoat in depainting operations and generally to allow the use of less hazardous depainting methods. *{effective July 10, 2003}*

**"Lacquer"** means a clear or pigmented coating formulated with a nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction. Lacquers are resoluble in their original solvent. *{effective July 10, 2003}*

**"LAER"** {see Lowest Achievable Emission Rate}.

**"Large appliances"** means doors, cases, lids, panels, and interior support parts of washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other similar products.

**"Large equipment"** means any fuel-burning or combustion equipment, process equipment, or incinerator with a rated heat input of greater than one (1) million BTU per hour.

**"Large HMIWI"** means:

*{added by November 19, 1998 amendment, effective September 1, 1999}*

- a. Except as provided in Paragraph (b),
  1. An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or
  2. A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or
  3. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.
- b. The following are not large HMIWI:
  1. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or
  2. A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.

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

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

**"Lease custody transfer"** means the transfer of produced crude oil or condensate, or both, after processing or treating, or both, in the producing operations from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

**"Light duty trucks"** means any motor vehicles other than automobiles rated at 8,500 pounds gross vehicle weight or less which are designed primarily for purposes of transportation and all major components of such vehicles, including, but not limited to, chassis, frames, doors, and engines.

**"Limited access space"** means internal surfaces or passages of an aerospace vehicle or component to which coatings cannot be applied without the aid of an airbrush or a spray gun extension for the application of coatings. *{effective July 10, 2003}*

**"Localized air pollution watch"** means a period of time, defined solely on meteorological criteria, during which poor dispersion of air contaminants may occur only in a limited portion of Allegheny County.

**"Localized incident level"** means one of three degrees of severity of air quality deterioration which can occur where a Localized Air Pollution Watch is in effect, and which require specific control measures to avoid significant harm to human health or welfare.

**"Low-level radioactive waste"** means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or State standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)). *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Low NO<sub>x</sub> burner with separated overfire air"** means a burner design capable of reducing the formation of oxides of nitrogen (NO<sub>x</sub>) emissions through substoichiometric combustion of fuel by means of a burner assembly consisting of two or more stages and the addition of secondary combustion air introduced downstream of the burner location.

**"Lowest Achievable Emission Rate"** means that emission rate which is the most stringent of:

- a. The most stringent emission limitation contained in any state's implementation plan approved by the EPA for such class or category of source, unless the applicant demonstrates that such limitation is not achievable;
- b. The lowest emission rate achieved in practice by such class or category of source; or,
- c. Any applicable NSPS established by the EPA.

As applied to a modified source, LAER means the lowest achievable emission rate for the new or modified emissions units within the source.

If control technology can feasibly be transferred from one type of source to another, both types of sources shall be considered of the same class or category for purposes of determining LAER.

**"MACT"** {see Maximum Achievable Control Technology}.

**"Magnet wire coating"** means the process of applying a coating of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

**"Major modification"** means any physical change or change in the method of operation of a major source that, determined through the requirements of 25 Pa. Code §127.203a and 127.204, would result in an increase in emissions equal to or exceeding an emission rate threshold or significance level specified in 25 Pa. Code §127.203.



A physical change or change in the method of operation does not include routine repairs and maintenance, a change in the hours of operation, or an increase in the rate of production unless prohibited by a permit condition. *{amended September 6, 1995, effective October 20, 1995; amended March 23, 2012, effective April 3, 2012.}*

**"Major source"** means any stationary source, or any group of stationary sources, that is located on one or more contiguous or adjacent properties, is under common control of the same person (or persons under common control), and is described as follows *{definition modified January 22, 1998 effective March 31, 1998; paragraph c amended March 23, 2012, effective April 3, 2012.}*:

- a. For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year (10 tpy) or more of any hazardous air pollutant, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule.  
Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources;
- b. For radionuclides, any "major source" as shall be defined by the Administrator by rule;
- c. A stationary source of air pollutants that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (as defined in section 302 of the Clean Air Act) subject to regulation in accordance with 40CFR Part 70 (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of such a stationary source shall not be considered in determining whether it is a major source, unless the source belongs to one of the following categories of stationary source:
  1. Coal cleaning plants (with thermal dryers);
  2. Kraft pulp mills;
  3. Portland cement plants;
  4. Primary zinc smelters;
  5. Iron and steel mills;
  6. Primary aluminum ore reduction plants;
  7. Primary copper smelters;
  8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
  9. Hydrofluoric, sulfuric, or nitric acid plants;
  10. Petroleum refineries;
  11. Lime plants;
  12. Phosphate rock processing plants;
  13. Coke oven batteries;
  14. Sulfur recovery plants;
  15. Carbon black plants (furnace process);
  16. Primary lead smelters;
  17. Fuel conversion plant;
  18. Sintering plants;
  19. Secondary metal production plants;
  20. Chemical process plants;
  21. Fossil-fuel boilers (or combination thereof) totaling more than 250 million BTU's/hr. heat input;
  22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  23. Taconite ore processing plants;
  24. Glass fiber processing plants;
  25. Charcoal production plants;
  26. Fossil-fuel-fired steam electric plants of more than 250 million BTU's per hour heat input; or
  27. All other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Clean Air Act, but only with respect to those air pollutants that have been regulated for that category;

- d. For ozone nonattainment areas, sources with the potential to emit, including fugitive emissions, 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and ten (10) tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Clean Air Act, that requirements under Subsection 182(f) of the Act do not apply;
- e. For ozone transport regions established pursuant to Section 184 of the Clean Air Act, sources with the potential to emit, including fugitive emissions, 50 tpy or more of volatile organic compounds;
- f. For carbon monoxide nonattainment areas:
  - 1. That are classified as "serious;" and
  - 2. In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator,
 sources with the potential to emit 50 tpy or more of carbon monoxide; or
- g. For PM-10 nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM-10.
- h. For the purposes of Part C, Subpart 2, only those stationary source or groups of stationary sources that are part of a single industrial group shall be a major source. A single industrial grouping means that all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the most recent Standard Industrial Classification Manual.

**"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 the requirements concerning accidental release prevention found in 40 CFR §68.215, or any other standard or requirement under Section 112 of the Clean Air Act;  
*{amended September 16, 202, effective September 26, 2022}*
- e. Any acid rain program standard or other requirement under §2103.50 of this Article, or under Title IV of the Clean Air Act or the regulations thereunder;

- f. Any enhanced monitoring requirements established pursuant to section 504(b) or section 114(a)(3) of the Clean Air Act;
- g. Any standard or other requirement governing solid waste incineration, under §129 of the Clean Air Act;
- h. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Clean Air Act;
- i. Any standard or other requirement for tank vessels, under section 183(f) of the Clean Air Act;
- j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Clean Air Act;
- k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit;
- l. Any NAAQS or increment or visibility requirement under part C of Title I of the Clean Air Act, but only as it would apply to temporary major sources permitted under this Article pursuant to section 504(e) of the Clean Air Act; and
- m. Any other requirement enforceable by EPA and by citizens under this Article or the Air Pollution Control Act that limits emissions for purposes of creating offset credits or for complying with or avoiding the applicability of any major source applicable requirement. *{amended September 6, 1995, effective October 20, 1995}*

**"Malodorous"** means the property of an odor which causes annoyance or discomfort to the public and which the Department determines to be objectionable to the public.

**"Materials handling"** means the process of transferring any solid, liquid, or gaseous matter from one place to another, including, but not limited to, the unloading of raw materials for processing, intra-process transfers, and the loading of products for shipment.

**"Maximum achievable control technology"** *{definition modified January 22, 1998 effective March 31, 1998}* means the maximum degree of reduction in emissions of the hazardous air pollutants subject to this Article (including a prohibition on such emissions, where achievable) that the Department or Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines:

- a. Is achievable for new or existing sources in the category or subcategory to which such emission standard applies, through application of measures, processes, methods, systems, or techniques including, but not limited to, measures which:
  - 1. Reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications;
  - 2. Enclose systems or processes to eliminate emissions;
  - 3. Collect, capture, or treat such pollutants when released from a process, stack, storage, or fugitive emissions point;
  - 4. Are design, equipment, work practice, or operational standards (including requirements for operator training or certification) as provided in §112(h) of the Clean Air Act; or
  - 5. Are a combination of the above; and

- b. For new sources, is not less stringent than:
  - 1. The emission control that is achieved in practice by the best controlled similar sources; or
- c. For existing sources, is not less stringent than:
  - 1. The average emissions limitation achieved by the best performing 12 percent of the existing sources (for which the Department or Administrator has emission information), excluding those sources that have, within 18 months before the emission standard is proposed or within 30 months before such standard is promulgated, whichever is later, first achieved a level of emission rate or emission reduction which complies, or would comply if the source is not subject to such standard, with the LAER (as defined by §171 of the Clean Air Act) applicable to the source category and prevailing at the time, in the category or subcategory for categories and subcategories with 30 or more sources; or
  - 2. The average emission limitation achieved by the best performing five (5) sources (for which the Department or Administrator has or could reasonably obtain emissions information) in the category or subcategory for categories or subcategories with fewer than 30 sources.

**"Maximum charge rate"** means: *{added by November 19, 1998 amendment, effective September 1, 1999}*

- a. For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.
- b. For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

**"Maximum design waste burning capacity"** means: *{added by November 19, 1998 amendment, effective September 1, 1999}*

- a. For intermittent and continuous HMIWI,
 
$$C = P_V \times 15,000 / 8,500$$
 where:
  - C = HMIWI capacity, lb/hr
  - $P_V$  = primary chamber volume,  $\text{ft}^3$
  - 15,000 = primary chamber heat release rate factor,  $\text{Btu}/\text{ft}^3/\text{hr}$
  - 8,500 = standard waste heating value,  $\text{Btu}/\text{lb}$ ;

- b. For batch HMIWI,
 
$$C = P_V \times 4.5 / 8$$
 where:
  - C = HMIWI capacity, lb/hr
  - $P_V$  = primary chamber volume,  $\text{ft}^3$
  - 4.5 = waste density,  $\text{lb}/\text{ft}^3$
  - 8 = typical hours of operation of a batch HMIWI, hours.

**"Maximum power"** means the maximum rated horsepower output of an engine at rated speed as stated by the manufacturer in the manufacturer's sales and service literature. *{effective May 1, 2010}*

**"Medical/infectious waste"** *{added by November 19, 1998 amendment, effective September 1, 1999}* means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed below:

- a. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.
- b. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.
- c. Human blood and blood products including:
  1. Liquid waste human blood;
  2. Products of blood;
  3. Items saturated and/or dripping with human blood; or
  4. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.
- d. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), Pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.
- e. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.
- f. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.
- g. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

The definition of medical/infectious waste does not include hazardous waste identified or listed under 40 CFR Part 261; household waste, as defined in §261.4(b)(1) ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials as identified in §261.4(a)(1).

**"Medical waste"** shall have the meaning established by the Administrator pursuant to the federal Solid Waste Disposal Act.

**"Medium HMIWI"** means: *{added by November 19, 1998 amendment, effective September 1, 1999}*

Except as provided in Paragraph (b),

- a. An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
  1. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

2. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.
- b. The following are not medium HMIWI:
1. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or
  2. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.

**"Metal furniture coating"** means the surface coating of any furniture made of metal or any metal part which will be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.

**"Metalized epoxy coating"** means a coating applied to aerospace vehicles or components that contain relatively large quantities of metallic pigmentation for appearance or added protection, or both. *{effective July 10, 2003}*

**"Military equipment"** means equipment that meets military specifications, is owned by the U.S. Department of Defense and/or the U.S. military services or its allies, and is used in combat, combat support, combat service support, tactical or relief operations or training for such operations. *{effective May 1, 2010}*

**"Minor operating permit modification"** means a change to incorporate de minimis conditions and other insignificant physical changes to a source or applicable requirements into an existing permit or a change that does not require an Installation Permit but which contravenes an express permit term, but not:

- a. A change to permit terms or conditions that the source is violating;
- b. A change to existing monitoring, reporting, or recordkeeping requirements in the permit except:
  1. A change in the enforceable operating level of the method that, prior to the source's submission of a minor permit revision application, the Department has affirmatively determined the source has demonstrated to be correlated to the source's existing or proposed compliance emissions rate. The changes may not involve a switch to a new or alternative monitoring or recordkeeping operating parameter; or
  2. A change to a monitoring or recordkeeping method that affects the measurement sensitivity of the method and representativeness of the data (for example, precision, accuracy, measurement location, or averaging time), so that there may be a measurable effect in relation to the relevant source compliance emissions rate; a change that affects the scope and intent of the existing monitoring method (for example, modified sample conditioning system, upgraded detector, upgraded data management system); or changes that may be generally applicable to similar monitoring methods in the same or other source categories (for example, equipment modification for interference avoidance). The changes may not involve a switch to new or alternative monitoring methods. Prior to the source's submission of a minor permit revision application, the Department shall have affirmatively determined that the monitoring or recordkeeping change has been demonstrated by the source to have a known relationship and ability to determine compliance with the applicable source compliance emissions rate;
- c. A change that is a modification under Title I of the Clean Air Act;
- d. A change subject to Title IV of the Clean Air Act;
- e. A change that exceeds the emissions allowable under the permit, whether expressed as a rate of emissions or in terms of total emissions;

- f. A change to a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
  1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I; and
  2. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Act;

or

- g. Any other change precluded by the Clean Air Act or the regulations adopted thereunder as being eligible for processing as a minor permit modification. *{Definition added September 6, 1995, effective October 20, 1995. Amended December 12, 2001, effective January 12, 2001.}*

**"Minor source"** means any source that is not a major source. *{Amended December 12, 2001, effective January 12, 2001.}*

**"Miscellaneous metal parts and products"** means all items made of ferrous or nonferrous metals, including, but not limited to, large farm machinery, small farm machinery, small appliances, commercial and industrial machinery, fabricated metal products, and items listed under the Standard Industrial Classification Codes 3300 through 3999. This definition excludes cans, coils, automobiles, light-duty trucks, metal furniture, magnet wire, large appliances, fully assembled exteriors of airplanes, and automobile refinishing and customized top coating of automobiles and trucks, if production since January 1, 1987, has not exceeded 34 vehicles per day. *{modified July 10, 2003}*

**"Mobile equipment"** means equipment which may be driven or is capable of being driven on a roadway including, but not limited to: *{effective July 10, 2003}*

- a. Automobiles;
- b. Trucks, truck cabs, truck bodies and truck trailers;
- c. Buses;
- d. Motorcycles;
- e. Utility bodies;
- f. Camper shells;
- g. Mobile cranes;
- h. Bulldozers;
- i. Street cleaners;
- j. Golf carts;
- k. Ground support vehicles, used in support of aircraft activities at airports; and
- l. Farm equipment.

**"Mobile off-road equipment engine"** means an engine that is used to provide motive power to a self-propelled piece of equipment or vehicle. If such an engine is in a piece of equipment or vehicle that is **not** a motor vehicle according to 40 CFR 85.1703, it is a mobile off-road equipment engine. If such an engine is in a piece of equipment or vehicle that **is** a motor vehicle according to 40 CFR 85.1703, it is a mobile off-road equipment if and only if it meets any one of the following criteria: *{effective May 1, 2010}*

- a. It is subject to off-road engine standards in 40 CFR 89.112(a) or Part 1039.101; or
- b. The vehicle has a permanently mounted auger or blower for snow removal; or
- c. The vehicle is a drill rig, crane, or concrete pump truck used predominantly off of public roads.

**"Modification"** means any physical change in a source or any change in the method of operation of a source which would increase the amount of any air contaminant emitted by the source or which would result in the emission of any air contaminant not previously emitted, except that routine maintenance, repair, and replacement shall not be considered a physical change. *{amended September 6, 1995, effective October 20, 1995}*

**"Modified solid waste incineration unit"** means a solid waste incineration unit at which modifications have occurred after the effective date of an applicable standard and either:

- a. The cumulative cost of the modifications, over the life of the unit, exceed 50 percent of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs; or
- b. The modification is a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under Section 111 or Section 129 of the Clean Air Act.

**"Mold release"** means a coating applied to an aerospace vehicle or component mold surface to prevent the molded piece from sticking to the mold as it is removed. *{effective July 10, 2003}*

**"Motor carrier"** means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus who operates or directs the operation of any such bus on either a for-hire or not-for-hire basis. *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

**"Motor vehicle"** means all vehicles propelled other than by muscular power except such vehicles as run only on rails or tracks. *{Added by June 13, 2005 Amendment, effective June 23, 2005.}*

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

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

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

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

**"Negative air pressure equipment"**, for purposes of asbestos abatement, means a portable exhaust system equipped with HEPA filters. The system shall be capable of maintaining a constant, low velocity, clean air flow out of contaminated areas, creating a negative pressure differential between the outside and inside of the contaminated work area.

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

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

**"Net load rating"** means rated heat input.

**"New Phase 2 outdoor wood-fired boiler"** means a Phase 2 outdoor wood-fired boiler that is installed on or after October 2, 2010. *{Added by May 29, 2013 amendment, effective June 8, 2013.}*

**"New solid waste incineration unit"** means a solid waste incineration unit the construction of which is commenced after the Administrator proposes requirements under Section 129 of the Clean Air Act establishing emissions standards or other requirements which would be applicable to such unit or a modified solid waste incineration unit.



**"New source"** means any source which:

- a. Was constructed and commenced operation on or after July 1, 1972; or
- b. Was modified, irrespective of a change in the amount or kind of air contaminants emitted, so that the fixed capital cost of new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new source, fixed capital costs being the capital needed to provide the depreciable components. *{amended September 6, 1995, effective October 20, 1995}*

**"New Source Performance Standard"** means any emission limitation promulgated by the EPA pursuant to Section 111 of the Clean Air Act.

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

**"Nonattainment area"** means, for any pollutant, an area of the County designated as nonattainment pursuant to Section 107 of the Clean Air Act. With respect to areas outside the County, "nonattainment area" means an area designated as nonattainment pursuant to Section 107 of the Clean Air Act as of the date of issuance of the Installation Permit for the source affected.

**"Noncommercial fuel"** means a gaseous or liquid fuel generated as a byproduct or waste product which is not specifically produced and manufactured for sale. A mixture of noncommercial and a commercial fuel oil where at least 50% of the heat content is derived from the noncommercial fuel portion is considered a noncommercial fuel. *{added by November 28, 2017 amendment, effective December 8, 2017}*

**"Nonpermanent final finish"** means a material such as a wax, polish, nonoxidizing oil, or similar substance that must be periodically reapplied to a substrate over its lifetime to maintain or restore the material's effect. *{effective July 10, 2003}*

**"Non-Phase 2 outdoor wood-fired boiler"** means an outdoor wood-fired boiler that has not been qualified by the EPA as meeting a particulate matter emission level of 0.32 pounds per million Btu output or lower and is not labeled accordingly as a Phase 2 outdoor wood-fired boiler. *{Added by May 29, 2013 amendment, effective June 8, 2013.}*

**"Nonstructural adhesive"** means an adhesive applied to aerospace vehicles or components that bonds nonload bearing aerospace components in noncritical applications and is not included in any other specialty adhesive categories. *{effective July 10, 2003}*

**"Nontraditional source"** means a source of air contaminants other than emissions from process equipment, fuel-burning or combustion equipment, air pollution control equipment, incinerators, materials handling, or mobile source exhausts including, but not limited to, exposed earth, roadways, parking lots, construction activities, demolition, and mining.

**"Nonvolatiles"** means substances that do not evaporate readily. The term: *{Added by 11/5/2025 amendment, effective 11/15/2025.}*

- a. Refers to the film-forming material of a coating.
- b. Is also known as solids.

**"Normally closed"** means a container or piping system that remains closed unless an operator is actively engaged in adding or removing material. *{Added by 11/5/2025 amendment, effective 11/15/2025.}*

**"Normally closed container"** means a container that is closed unless an operator is actively engaged in activities such as emptying or filling the container. *{effective July 10, 2003}*

**"NO<sub>x</sub>"** means oxides of nitrogen.

**"NOx Affected Sources"** means a fossil fuel fired indirect heat exchange combustion unit with a maximum rated heat input capacity of 250 MMBTU/Hour or more and all fossil fuel fired electric generating facilities rated at 15 Megawatts or greater and any other source that voluntarily opts to become a NOx affected source. *{January 22, 1998 amendment, effective March 31, 1998}*

**"NOx allowance"** means the limited authorization to emit 1 ton of NOx during a specified NOx allowance control period. *{January 22, 1998 amendment, effective March 31, 1998}*

**"NOx allowance control period"** means the period beginning May 1 of each year and ending on September 30 of the same year, inclusive. *{January 22, 1998 amendment, effective March 31, 1998}*

**"NOx Allowance Tracking System" (NATS)** means the computerized system used to track the number of NOx allowances held and used by any person. *{January 22, 1998 amendment, effective March 31, 1998}*

**"NOx allowance transfer"** means the conveyance to another Pennsylvania NATS account of one or more NOx allowances from one person to another by whatever means, including, but not limited to, purchase, trade, auction, or gift. *{January 22, 1998 amendment, effective March 31, 1998}*

**"NSPS"** {see New Source Performance Standards}.

**"Occupied facility"** means any facility which has not been evacuated for the duration of the asbestos abatement activity of all persons other than those directly involved with said abatement activity.

**"Official traffic control device"** means any sign, signal, marking or device, consistent with the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic (ref: Vehicle Code, 67 Pa Code §211.1). *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

**"Official traffic control signal"** means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed (ref: Vehicle Code, 67 Pa Code §211.1). *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

**"Offtake piping"** means the pipes or ducts by which gaseous by-products of coking are transported from one end of an oven to a coke oven gas collector main, including the standpipe, standpipe cap and slipjoint, and also including jumper pipes. *{effective February 1, 1994}*

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

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

**"Open burning"** means any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chiminea, fire pit, outdoor fireplace or grill. *{Amended November 13, 2014, effective January 1, 2015.}*

**"Open top vapor degreaser"** means any batch-loaded device used to clean metal parts through the condensation of organic solvent on colder metal parts.

**"Operating & Maintenance Plan"**, for purposes of asbestos abatement, means a plan for conducting, in accordance with 40 CFR §61.145(c), a number of renovation/maintenance operations in which the amount of ACM that will be removed or encapsulated within a one year period can reasonably be predicted to exceed at least 160 square feet on facility components.

**"Operating parameter value"** means a minimum or maximum value established for a control equipment process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines whether an owner or operator has complied with an applicable emission limitation. *{effective July 10,*

2003}

**"Operator"** means any person who operates, controls, or supervises a stationary source.  
{amended September 6, 1995, effective October 20, 1995}

**"Optical antireflection coating"** means a coating, applied to aerospace vehicles or components, with a low reflectance in the infrared and visible wavelength ranges that is used for antireflection on or near optical and laser hardware. {effective July 10, 2003}

**"Outdoor wood-fired boiler"** means: {Added by May 29, 2013 amendment, effective June 8, 2013.}

- a. A fuel-burning device that:
  1. Is designed to burn, or is capable of burning, clean wood or other fuels listed under §2104.09(f) (relating to outdoor wood-fired boilers).
  2. Has a rated thermal output of less than 350,000 Btu per hour.
  3. The manufacturer designs or specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.
  4. Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- b. The fuel-burning device may also be known as an:
  1. Outdoor wood-fired furnace.
  2. Outdoor wood-burning appliance.
  3. Outdoor hydronic heater.

**"Outside air"**, for purposes of asbestos abatement, means the air outside the work area.

**"Owner or operator"** means any person who owns, leases, operates, controls, or supervises a stationary source.  
{amended September 6, 1995, effective October 20, 1995}

**"Ozone-depletion potential"** means a factor established by the Administrator to reflect the ozone-depletion potential of a substance, on a mass per kilogram basis, as compared to chlorofluorocarbon-11 (CFC-11). Such factor shall be based upon the substance's atmospheric lifetime, the molecular weight of bromine and chlorine, and the substance's ability to be photolytically disassociated, and upon other factors determined to be an accurate measure of relative ozone-depletion potential.

**"Pail"** means any nominally cylindrical metal shipping container which has a capacity between one and twelve gallons (3.8 and 45.4 liters) and which is constructed of 29 gauge and heavier material.

**"Paper coating"** means a coating applied in a uniform layer to paper and pressure sensitive tapes regardless of substrate, including related web coating processes on plastic films and decorative coatings on metal foil. Coatings applied in whole or in part as nonuniform layers such as patterns, designs, or print are not included.

**"Part C Subpart 2 permit"** means any operating permit or group of operating permits covering a source subject to Section 2103.20 of this Article that is issued, renewed, amended, or revised pursuant to this Article.

**"Part C Subpart 2 source"** means any source subject to Section 2103.20 of this Article.

**"Part marking coating"** means a coating or ink used to make identifying markings on aerospace materials, components and assemblies. These markings may be either permanent or temporary. {effective July 10, 2003}

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

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

**"Pathological waste"** means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).  
*{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Paving operation"** means the process of covering an area with stone, concrete, asphalt, or other material in order to make a firm, level surface for travel. Materials used exclusively as residential driveway sealing compounds are excluded.

**"Perceptible leaks"** means any petroleum solvent vapor or liquid leaks that are conspicuous from visual observation; such as pools or droplets of liquid, or buckets or barrels of solvent or solvent-laden waste standing open to the atmosphere.

**"Permit modification"** means a revision to a Part C Subpart 2 permit that cannot be accomplished under the program's provisions for minor modifications or administrative permit amendments. A permit modification for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under title IV of the Clean Air Act. *{amended September 6, 1995, effective October 20, 1995}*

**"Permit revision"** means any permit modification or administrative permit amendment.

**"Permitting authority"** means the Department or its designated representative.

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

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

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

**"Petroleum solvents"** means organic material solvents produced by petroleum distillation, comprising a hydrocarbon range of mainly eight (8) to 12 carbon atoms per organic molecule that exist as a liquid under standard conditions, that are used as cleaning agents in the petroleum solvent dry cleaning industry. *{Amended 11/5/2025, effective 11/15/2025.}*

**"Petroleum solvent dry cleaning"** means a process for the cleaning of fabrics with a petroleum solvent by means of one or more washings in solvent, extraction of excess solvent, and drying by exposure to a heated air stream. A

petroleum solvent dry cleaning facility includes, but is not limited to, washers, dryers, solvent filters and purification systems, waste disposal systems, holding tanks, pumps, and attendant piping and valves.

**"Petroleum solvent recovery dryer"** means a class of dry-cleaning dryers that employs a condenser to liquify and recover petroleum solvent vapors evaporated in a closed-loop, recirculating stream of heated air. *{Added by 11/5/2025 amendment, effective 11/15/2025.}*

**"Pharmaceutical tablet coating"** means a process for the application of an essentially non-medicinal, protective coating to a pharmaceutical product.

**"Phase 2 outdoor wood-fired boiler"** means an outdoor wood-fired boiler that has been qualified by the EPA as meeting a particulate matter emission level of 0.32 pounds per million Btu output or lower and is labeled accordingly. *{Added by May 29, 2013 amendment, effective June 8, 2013.}*

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

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

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

**"Portable"** means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. For the purposes of this regulation, dredge engines on a boat or barge are considered portable. The engine is not portable if: *{effective May 1, 2010}*

- a. The engine or its replacement is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months. The period during which the engine is maintained at a storage facility shall be excluded from the residency time determination. Any engine, such as a back-up or stand-by engine, that replace engine(s) at a location, and is intended to perform the same or similar function as the engine(s) being replaced, will be included in calculating the consecutive time period. In that case, the cumulative time of all engine(s), including the time between the removal of the original engine(s) and installation of the replacement engine(s), will be counted toward the consecutive time period; or
- b. The engine remains or will reside at a location for less than 12 consecutive months if the engine is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location at least three months each year; or
- c. The engine is moved from one location to another in an attempt to circumvent the portable residence time requirements.

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

**"Potential to emit"** means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator and citizens under the Clean Air Act. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in title IV of the Clean Air Act or the regulations promulgated thereunder. *{amended September 6, 1995, effective October 20, 1995}*

**"Potential uncontrolled emission rate"** means the total weight of a particular air contaminant, in the absence of any air pollution control equipment, that could be emitted per unit of time from an air contaminant source when such source is operated at its rated capacity and maximum hours of operation.

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

**"PPM"** means parts per million.

**"Pretreatment coating"** means an organic coating that contains at least 0.5% acids by weight and is applied directly to metal surfaces of aerospace vehicles and components to provide surface etching, corrosion resistance, adhesion and ease of stripping. *{effective July 10, 2003}*

**"Prevention of Significant Deterioration requirements"** means the requirements promulgated in 40 CFR Part 52 by the Administrator of the EPA pursuant to Section 161 of the Clean Air Act.

**"Prime coat"** means the first of two or more films of coating applied to a metal surface.

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

**"Process equipment"** means any machine, device, system, or other contrivance used in any process, the use of which may cause emissions of any air contaminants, including flues and all appurtenances thereto, but not including equipment defined as fuel-burning or combustion equipment or incinerators.

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

**"Proposed permit"** means the version of an operating permit that the Bureau proposes to issue and forwards to the Administrator for review in compliance with 40 CFR §70.8.

**"PSD"** {see Prevention of Significant Deterioration requirements}.

**"Publication rotogravure printing"** means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed material.

**"Pyrolysis"** means the endothermic gasification of hospital waste and/or medical/infectious waste using external energy. *{added by November 19, 1998 amendment, effective September 1, 1999}*

**"Pushing emissions"** means an air contaminant emitted into the outdoor atmosphere which is generated by or results from the pushing operation. *{Added October 26, 2022, effective November 5, 2022.}*

**"Pushing operation"** means the operation by which coke is removed from a coke oven and transported to a quench station, beginning when the coke side door is first removed from a coke oven and continuing until the quenching operation is commenced. *{effective February 1, 1994. Amended October 26, 2022, effective November 5, 2022.}*

**"RACT"** {see Reasonably Available Control Technology}.

**"Radome"** means the nonmetallic protective housing for aerospace electromagnetic transmitters and receivers--for example, radar, electronic countermeasures. *{effective July 10, 2003}*

**"Rain erosion resistant coating"** means the coating or coating system used to protect the leading edges of parts such as flaps, stabilizers, radomes, and engine inlet nacelles against erosion caused by rain impact during flight. *{effective July 10, 2003}*

**"Rated capacity"** means the operating limit of a source as stated by the manufacturer or as determined by good engineering judgement, or such other operating limit as is specified in an applicable permit condition.

**"Reasonable further progress"** means either:

- a. Progress toward the NAAQS's according to the schedule set forth in the applicable portion of the SIP; or
- b. Such annual incremental reductions in emissions of the relevant air pollutant as are required for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

**"Reasonably Available Control Technology"** means any air pollution control equipment, process modifications, operating and maintenance standards, or other apparatus or techniques which may reduce emissions and which the Department determines is available for use by the source affected in consideration of the necessity for obtaining the emission reductions, the social and economic impact of such reductions, and the availability of alternative means of providing for the attainment and maintenance of the NAAQS's.

**"Refiner"** means a person who owns, leases, operates, controls or supervises a refinery. *{added by May 7, 1998 amendment, effective May 15, 1998}*

**"Refinery"** means a plant which produces petroleum products, including gasoline. *{added by May 7, 1998 amendment, effective May 15, 1998}*

**"Refuse"** means garbage, rubbish, trade waste, or other waste.

**"Regulated air pollutant"** means the following:

- a. Nitrogen oxides or any volatile organic compounds;
- b. Any pollutant for which a NAAQS has been promulgated;
- c. Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;
- d. Any EPA Class I or II substance subject to a standard promulgated under or established by title VI of the Clean Air Act; or
- e. Any pollutant subject to a standard promulgated under Section 112 of the Clean Air Act or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including the following:

1. Any pollutant subject to requirements under Subsection 112(j) of the Clean Air Act. If the Administrator fails to promulgate a standard by the date established pursuant to Subsection 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Subsection 112(e) of the Act; and
2. Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to the requirement of Section 112(g)(2) of the Act.

**"Removal"**, for asbestos abatement purposes, means the stripping or taking off of any ACM from surfaces or facility components.

**"Rendering"** means a heated process, such as reduction, cooking, drying, dehydrating, digesting, evaporating, and protein processing.

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

**"Replacement source"** means a new source which has the following relationship to an existing source, emission unit, or group of emission units:

- a. The new source produces products of similar physical and chemical properties;
- b. The new source is located in the same general area;
- c. The ambient impact area of emissions from the new source substantially overlaps that of the emissions from the existing source, emission unit, or group of emission units; and
- d. Upon operation of the new source, the existing source, emission unit, or group of emission units will be permanently shut down.

**"Represent the public interest"** means not own a controlling interest in, have five percent (5%) or more of total assets invested in, serve as attorney, consultant, officer or director for, or hold any other official or contractual relationship with persons subject to this Article, or any trade or business association of which such person is a member.

**"Research and development facility"** means emissions units, either in a laboratory or as part of a pilot project, that are not engaged in either the manufacture or products for commercial sale except in de minimis amounts on an infrequent basis or internal manufacturing use except in de minimis amounts on an infrequent basis, and are used exclusively for either:

1. Research and development into new products or processes, the improvement of existing products or processes or new uses for existing products or processes; or
2. Basic research to provide for education or the general advancement of technology or knowledge, where the source is also operated under the close supervision of technically trained personnel.

**"Responsible official"** means one of the following:

- a. For a corporation:
  1. A president, secretary, treasurer, or vice-president of the corporation in charge of the subject principal business function;
  2. Any other person who performs similar policy or decision-making functions for the corporation; or
  3. A duly authorized representative of a person under Paragraph 1 or 2 above if the representative is responsible for the overall operation of one or more of the subject manufacturing, production, or operating sources applying for, or subject to, a permit and either:



- A. The source employs more than 250 persons or has gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
- B. The delegation of authority to the representative is approved in advance in writing by the Department,

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

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

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

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

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

**"Retail Outlet"** means an establishment at which commercial fuel oil is sold or offered for sale to the ultimate consumer for use in 'fuel-burning or combustion equipment.' *{Added by May 7, 1998 amendment, effective May 15, 1998. Amended November 28, 2017, effective December 8, 2017. Amended February 10, 2022, effective February 20, 2022.}*

**"Retailer"** means a person who owns, leases, operates, controls or supervises a retail outlet. *{added by May 7, 1998 amendment, effective May 15, 1998}*

**"Rocket motor bonding adhesive"** means an adhesive used in rocket motor bonding applications. *{effective July 10, 2003}*

**"Rocket motor nozzle coating"** means a catalyzed epoxy coating system used in elevated temperature applications on rocket motor nozzles. *{effective July 10, 2003}*

**"Roll printing"** means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls, each with only partial coverage.

**"Rotogravure printing"** means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image area in the form of cells.

**"Rubber-based adhesive"** means a quick setting contact cement applied to aerospace vehicles and components that provides a strong, yet flexible, bond between two mating surfaces that may be of dissimilar materials. *{effective July 10, 2003}*

**"Scale inhibitor"** means a coating that is applied to the surface of an aerospace vehicle component prior to thermal processing to inhibit the formation of scale. *{effective July 10, 2003}*

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

**"School bus"** means a motor vehicle designed to carry 11 passengers or more, including the driver, and used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to these schools or school-related activities, and as further defined in the Vehicle Code, 67 Pa Code §171.2. *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

**"School bus driver"** means a person who drives a school bus as defined in 75 Pa.C.S. §102 (relating to definitions) or 67 Pa Code §171 (relating to school buses and school vehicles) except an owner or employee of an official inspection station driving the vehicle for the purpose of inspection (ref: Vehicle Code, 67 Pa Code §71.2). *{Added by September 8, 2004 amendment, effective October 10, 2004.}*

**"Screen print ink"** means an ink used in screen printing processes during fabrication of decorative laminates and decals for aerospace vehicles and components. *{effective July 10, 2003}*

**"Seal coat maskant"** means a coating applied over a maskant on aerospace vehicles and components to improve abrasion and chemical resistance during production operations. *{effective July 10, 2003}*

**"Sealant"** means a material used to prevent the intrusion of water, fuel, air, or other liquids or solids from certain areas of aerospace vehicles or components. There are two categories of sealants: *{effective July 10, 2003}*

- a. Extrudable/rollable/brushable sealants; and
- b. Sprayable sealants.

**"Sealer"** means a coating used to seal the pores of a wood substrate before additional coatings are applied. *{effective July 10, 2003}*

**"Secondary emissions"** means specific, quantifiable emissions from any related new or existing source(s), which emissions occur as a result of the operation of a new or modified major (primary) source but which are not emitted from the primary source itself.

**"Self-priming topcoat"** means a topcoat that is applied directly to an uncoated aerospace vehicle or component for purposes of corrosion prevention, environmental protection and functional fluid resistance. More than one layer of identical coating formulation may be applied to the vehicle or component. The coating is not subsequently topcoated with any other product formulation. *{effective July 10, 2003}*

**"Semiaqueous cleaning solvent"** means a solution in which water is a primary ingredient (>60% by weight of the solvent solution as applied is water). *{effective July 10, 2003}*

**"Shower room"**, for purposes of asbestos abatement, means a room between the clean room and the equipment room in the worker decontamination enclosure system with hot and cold running water controllable at the tap and suitably arranged for complete showering during decontamination.

**"Significant air quality impact"** means an increase in pollutant concentrations exceeding the following:  
*{PM<sub>2.5</sub> added February 21, 2019, effective March 3, 2019}*

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

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

**"Significant permit modification"** means any modification of a permit under Part C of this Article that does not qualify as a minor permit modification or an administrative amendment under this Article, including every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions.

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

**"Silicone insulation material"** means an insulating material applied to exterior metal surfaces of aerospace vehicles for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not designed to be purposefully exposed to open flame or extreme heat and charred. *{effective July 10, 2003}*

**"SIP"** {see State Implementation Plan}.

**"Single coat"** means one film of coating applied to a metal surface.

**"Small equipment"** means any fuel-burning or combustion equipment, process equipment, or incinerator with a rated heat input of 1,000,000 BTU per hour or less.

**"Small gasoline storage tank"** means any tank from which gasoline is dispensed to motor vehicle gasoline tanks.

**"Small HMIWI"** means: *{added by November 19, 1998 amendment, effective September 1, 1999}*

- a. Except as provided in Paragraph (b),
  - 1. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or
  - 2. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
  - 3. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.
- b. The following are not small HMIWI:
  - 1. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour;
  - 2. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

**"Small source"** means a source that has total potential emissions of less than 100 tons of all regulated air pollutants per year, or any class of persons that the Administrator determines, through regulation, generally lack technical ability or knowledge regarding control of air pollution.

**"Soaking emissions"** means uncombusted emissions from an open standpipe which has been dampered off in preparation of pushing the coke mass out of the oven and shall end when pushing begins. *{Added by August 29, 2013 amendment, effective September 23, 2013. Amended October 26, 2022, effective November 5, 2022.}*

**"Solid film lubricant"** means a very thin coating, applied to aerospace vehicles or components, consisting of a binder system which contains as its chief pigment material one or more of the following: *{effective July 10, 2003}*

- a. Molybdenum;
- b. Graphite;
- c. Polytetrafluoroethylene (PTFE); or
- d. Other solids that act as a dry lubricant between faying surfaces.

**"Solids"** means the nonvolatile portion of the coating that after drying makes up the dry film. *{effective July 10, 2003}*

**"Solids turnover ratio (R<sub>r</sub>)"** means, effective January 1, 2014, the ratio of the total volume of coating solids that is added to the electrodeposited primer system in a calendar month divided by the total volume design capacity of the electrodeposited primer system. *{Added by May 29, 2013 amendment, effective June 8, 2013}*

**"Solid waste"** shall have the meaning established by the Administrator pursuant to the Solid Waste Disposal Act (42 U.S.C. §§6901 et seq.).

**"Solid waste incineration unit"** means a distinct operating unit of any source which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include:

- a. Incinerators or other units required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. §6925);
- b. Materials recovery sources (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;
- c. Qualifying small power production sources, as defined in Paragraph 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration sources, as defined in Paragraph 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration sources which burn homogeneous waste for the production of electric energy and steam or

forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes; or

- d. Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Administrator by rule.

**"Solvent"** means organic compounds which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

**"Solvent recovery dryer"** means a class of dry cleaning dryers that employs a condenser to liquify and recover solvent vapors evaporated in a closed-loop, recirculating stream of heated air.

**"Source"** *{definition modified January 22, 1998 effective March 31, 1998}* means any place, structure, building, facility, equipment, installation, operation, activity, or other thing or any combination thereof:

- a. At, from, or by reason of which there may be emitted into the outdoor atmosphere any air contaminant;
- b. Which is located on one or more contiguous or adjacent properties; and
- c. Which is owned, operated, or allowed to be operated by the same person or by persons under common control or which is jointly owned, operated, or allowed to be operated by two or more persons, but not including motor vehicles or those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the Clean Air Act.

**"Space vehicle"** means a manmade device, either manned or unmanned, designed for operation beyond earth's atmosphere. The term includes integral equipment, such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets, and test coupons. The term also includes auxiliary equipment associated with test, transport and storage, that through contamination can compromise the space vehicle performance. *{effective July 10, 2003}*

**"Specialized function coating"** means a coating applied to aerospace vehicles or components that fulfills extremely specific engineering requirements that are limited in application and are characterized by low volume usage. This category excludes coatings included in other specialty coating categories. *{effective July 10, 2003}*

**"Specialty coating"** means:

- a. For purposes of §2105.74, a coating applied to aerospace vehicles or components that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria include temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection. *{effective July 10, 2003. Amended 11/5/2025, effective 11/15/2025.}*
- b. For purposes of shipbuilding and ship repair coatings under 25 Pa. Code § 129.52, a coating that is manufactured or used for one of the specialized shipbuilding and ship repair coating applications listed in § 129.52, Table I, coating categories 12(ii)(a)—(v). *{Added by 11/5/2025 amendment, effective 11/15/2025.}*

**"Specification fuel"** means any waste-derived liquid fuel that meets the specifications in Part E of this Article.

**"Spray gun"** means a device that atomizes a coating or other material and projects the particulates or other material onto a substrate. *{effective July 10, 2003}*

**"Stain"** means, for purposes of wood furniture manufacturing operations under §2105.76, a color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate. The term includes nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners. *{effective July 10, 2003}*

**"Standard conditions"** means a temperature of 70 F and a pressure of 14.7 pounds per square inch absolute.

**"State Implementation Plan"** means the Implementation Plans submitted by the Commonwealth and approved by the EPA pursuant to Section 110 of the Clean Air Act.

**"Stationary engine"** means a compression ignition engine that is designed to stay in one location, or remains in one location. A compression ignition engine is stationary if any of the following are true: *{effective May 1, 2010}*

- a. The engine or its replacement is attached to a foundation, or if not so attached, resides at the same location for more than 12 consecutive months. Any engine such as backup or standby engines, that replaces an engine at a location and is intended to perform the same or similar function as the engine(s) being replaced, shall be included in calculating the consecutive time period. The cumulative time of all engine(s), including the time between the removal of the original engine(s) and installation of the replacement engine(s), will be counted toward the consecutive time period; or
- b. The engine remains or will reside at a location for less than 12 consecutive months if the engine is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location at least three months each year; or
- c. The engine is moved from one location to another in an attempt to circumvent the 12-month residence time requirement. The period during which the engine is maintained at a storage facility shall be excluded from the residency time determination.

**"Steel production"** means the production of liquid steel.

**"Strippable spray booth coating"** means a coating that meets the following requirements: *{effective July 10, 2003}*

- a. Is applied to a spray booth wall to provide a protective film to receive overspray during a surface coating process, including wood furniture manufacturing operations;
- b. Is subsequently peeled off and disposed; and
- c. Reduces or eliminates the need to use solvents to clean spray booth walls by meeting the conditions of a. and b. above.

**"Structural autoclavable adhesive"** means an adhesive, cured by heat and pressure in an autoclave, that is used to bond load carrying aerospace components. *{effective July 10, 2003}*

**"Structural member"**, for purposes of asbestos abatement, means any load-supporting or non-load supporting member of a facility, such as beams, walls, and ceilings.

**"Structural nonautoclavable adhesive"** means an adhesive that is cured under ambient conditions that is used to bond load carrying aerospace components or other critical functions, such as nonstructural bonding in the proximity of engines. *{effective July 10, 2003}*

**"Substrate"** means the surface onto which a coating is applied or into which a coating is impregnated. *{effective July 10, 2003}*

**"Surface coating process"** means the application and solidification of a coating onto or into a substrate as the substrate proceeds through the equipment and activities of the manufacturing process. *{modified July 10, 2003}*

**"Synthetic minor source"** means an air contamination source subject to Federally enforceable conditions limiting the source's potential to emit to less than the major source thresholds specified in the definition of "major source." *{Added 9/15/2021, effective 9/25/2021.}*

**"Tank car"** means a rail car which is used for transporting liquids in bulk and in an unpackaged form.

**"Temporary protective coating"** means a coating applied to provide scratch or corrosion protection during manufacturing, storage or transportation of aerospace vehicles or components. The term includes peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid

or alkaline solutions. The term does not include coatings that provide protection from acid or alkaline chemical processing. *{effective July 10, 2003}*

**"Temporary source"** means a new or modified source whose operating life is limited by a permit condition to no more than two years.

**"Terminal"** means, for purposes of commercial fuel oil under §2104.10, a facility which is capable of receiving commercial fuel oil in bulk, that is by pipeline, barge, ship or other transport, and at which commercial fuel oil is sold or transferred into trucks for transportation to retail outlets or wholesale purchaser-consumer's facilities or ultimate consumers. *{Added by November 28, 2017 amendment, effective December 8, 2017. Amended February 10, 2022, effective February 20, 2022.}*

**"Thermal control coating"** means a coating formulated with specific thermal conductive or radiative properties to permit temperature control of the aerospace vehicle or component substrate. *{effective July 10, 2003}*

**"Thinner"** means: *{effective July 10, 2003. Amended 11/5/2025, effective 11/15/2025.}*

- ...a. A volatile liquid that is used to dilute coatings (to reduce viscosity, color strength or solids content or to modify drying conditions).
- b. For purposes of shipbuilding and ship repair coatings under 25 Pa. Code § 129.52, a liquid that is used to reduce the viscosity of a coating and that evaporates before or during the cure of a film.
- c. The term includes diluent, makeup solvent, thinning solvent or reducer.

**"Thinning ratio"** means the volumetric ratio of thinner to coating, as supplied. *{Added by 11/5/2025 amendment, effective 11/15/2025.}*

**"Tileboard"** means a premium interior wall paneling product made of hardboard that is used in high moisture areas of the home including kitchens and bathrooms. Tileboard meets the specifications for Class I hardboard approved by the American National Standards Institute. *{effective January 1, 2011}*

**"Topcoat"** means the last film-building coating that is applied, in one or more layers, to a substrate. For purposes of aerospace manufacturing and rework under §2105.74, a topcoat means a coating that is applied over a primer on an aerospace vehicle or component for appearance, identification, camouflage, or protection and does not include topcoats that are defined as specialty coatings. For purposes of mobile equipment repair and refinishing under §2105.75, a topcoat means a coating or series of coatings applied over an automotive primer-surfacer, automotive primer-sealer, or existing finish on the surface of mobile equipment and mobile equipment components for the purpose of protection or beautification. For purposes of wood furniture manufacturing operations under §2105.76, a topcoat does not include nonpermanent final finishes. *{modified July 10, 2003}*

**"Touch-up and repair"** means the application of coatings to cover minor finishing imperfections. *{effective July 10, 2003}*

**"Toxic Equivalent (TEQ)"** means: a rating of toxicity from the 1989 international toxic equivalency factors that relates the toxicity of a chemical to the toxicity of 2,3,7,8-tetrachlorinated dibenzo-p-dioxin. The ratings of TEQ are those found in Table 2 of 40 CFR 60 Subpart Ec. *{added by Nov. 19, 1998 amendment, effective Sept. 1, 1999}*

**"Trade waste"** means any solid, liquid, or gaseous waste resulting from the operation of any business, trade, or industry.

**"Transfer efficiency"** means the ratio of the weight of coating solids deposited onto the surface of a coated part to the weight of the total amount of coating solids used expressed as a percentage.

**"Transferee"** means: *{added by November 28, 2017 amendment, effective December 8, 2017}*

- a. A person who is the recipient of a sale or transfer.
- b. For purposes of §2104.10, the term includes the following:
  - 1. Terminal owner or operator
  - 2. Carrier

3. Distributor
4. Retail outlet owner or operator
5. Ultimate consumer.

**“Transferor”** means: *{added by November 28, 2017 amendment, effective December 8, 2017}*

- a. A person who initiates a sale or transfer.
- b. For purposes of §2104.10, the term includes the following:
  1. Refinery owner or operator.
  2. Terminal owner or operator.
  3. Carrier.
  4. Distributor.
  5. Retail outlet owner or operator.

**“Type I chemical etchant”** means a chemical milling etchant which contains varying amounts of dissolved sulfur but which does not contain amines. *{effective July 10, 2003}*

**“Type I chemical milling maskant”** means a coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type I etchant. *{effective July 10, 2003}*

**“Type II chemical etchant”** means a chemical milling etchant that is a strong sodium hydroxide solution containing amines. *{effective July 10, 2003}*

**“Type II chemical milling maskant”** means a coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type II etchant. *{effective July 10, 2003}*

**“Type “O” waste”** means waste consisting of highly combustible materials such as paper, cardboard, cartons, wood boxes, and combustible floor sweepings, containing no more than ten percent (10%) by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags, and plastic and rubber scraps, containing approximately ten percent (10%) moisture and five percent (5%) incombustible solids and having a heating value of approximately 8,500 BTU's per pound as fired.

**“Ultimate consumer”** means, with respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in fuel-burning or combustion equipment or for purposes other than resale. *{added by November 28, 2017 amendment, effective December 8, 2017}*

**“Unclassifiable area”** means an area of the County designated as unclassifiable pursuant to §107 of the Clean Air Act.

**“Unconventional formation”** means a geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore. *{Added by December 27, 2013 amendment, effective January 7, 2014.}*

**“Unconventional gas well”** means a bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation. *{Added by December 27, 2013 amendment, effective January 7, 2014.}*

**“Vapor balance system”** means a vapor transport system which directs the vapors from the vessel being loaded into either a vessel being unloaded or a vapor control system or vapor holding tank.

**“Vapor disposal system”** means a system that is designed to control the release of volatile organic compounds displaced from a vessel during transfer.



**"Vinyl coating"** means the application of a decorative or protective topcoat or printing on vinyl sheets.

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

**"VOC"** {see Volatile Organic Compound}.

**"VOC composite vapor pressure"** means the sum of the partial pressures of the compounds defined as VOCs and is determined by the following calculation: *{effective July 10, 2003}*

$$PP_c = \frac{\sum_{i=1}^n \frac{W_i}{MW_i} \times VP_i}{\frac{W_w}{MW_w} + \frac{\sum_{i=1}^n W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

where:

$W_i$  = Weight of the "i"th VOC compound, grams.

$W_w$  = Weight of water, grams.

$W_e$  = Weight of non-HAP, non-VOC compound, grams.

$MW_i$  = Molecular weight of the "i"th VOC compound, g/g-mole.

$MW_w$  = Molecular weight of water, g/g-mole.

$MW_e$  = Molecular weight of exempt compound, g/g-mole.

$PP_c$  = VOC composite partial pressure at 20°C, mmHg.

$VP_i$  = Vapor pressure of the "i"th VOC compound at 20°C, mmHg.

**"Volatile organic compound"** means an organic compound which participates in atmospheric photochemical reactions other than those compounds which the Administrator of the EPA designates in the Federal Register as having negligible photochemical reactivity and those compounds excluded from the definition of volatile organic compounds by 40 CFR Part 51 (relating to permit requirements). VOC shall be measured by the test procedures and conditions established by Part G of this Article. *{Amended October 26, 2022, effective November 5, 2022.}*

**"Washcoat"** means clear liquids having a solids content by weight of 12% or less, applied over stains and toners to protect the color coats and to set the fibers for subsequent sanding or to separate spray stains from wiping stains to enhance color depth. *{effective July 10, 2003}*

**"Washoff operations"** means operations in which solvent is used to remove coating from a substrate. *{effective July 10, 2003}*

**"Waste-derived liquid fuel"** means any liquid fuel consisting of, containing, or derived from a waste substance or substances including, but not limited to, waste defined as hazardous wastes, chemicals, solvents, paints, varnishes, animal fats, contaminated waters, synthetically produced oils, oils derived from coal or animal or vegetable oils, automotive crankcase oil, other automotive liquids, gasoline and oil truck and barge residues, oil spill clean-up residues, oils recovered from wastewater, metal-working oils, lubricating oils, turbine lubricating oils, diesel engine lubrication oils, hydraulic fluids, quenching oils, dielectric fluids, tars, and by-products or off-specification products from manufacturing processes, except:

- a. Petroleum refinery by-products generated from the refining of virgin crude oil and returned to the same refinery process upstream from distillation shall not cause liquid fuels produced by such refinery process to be classified as waste-derived liquid fuels.

**"Wastewater separator"** means a holding area for waste liquids in which materials are separated from water by gravity.

**"Waterborne coating"** means a coating that contains more than 5% water by weight in its volatile fraction. *{effective July 10, 2003}*

**"Waterborne (water-reducible) coating"** means a coating that contains more than 5% water by weight in its volatile fraction, as applied. *{effective July 10, 2003}*

**"Waxy heavy-pour crude oil"** means a crude oil with a pour point of 50 F (10 C) or higher as determined by the American Society of Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

**"Wet cleaning"** means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning tools which have been dampened with water.

**"Wet fastener installation coating"** means a primer or sealant applied to aerospace vehicles or components by dipping, brushing or daubing on fasteners which are installed before the coating is cured. *{effective July 10, 2003}*

**"Wholesale purchaser-consumer"** means an entity or individual that is an ultimate consumer of gasoline which purchases or obtains gasoline from a supplier for use in motor vehicles and receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that entity or individual. *{added by May 7, 1998 amendment, effective May 15, 1998}*

**"Wing coating"** means a corrosion-resistant topcoat applied to aerospace vehicles or components that is resilient enough to withstand the flexing of the wings. *{effective July 10, 2003}*

**"Wood furniture"** means a product made of wood, a wood product such as rattan or wicker or an engineered wood product such as particleboard that is manufactured under the following Standard Industrial Classification Codes: 2434 (Wood kitchen cabinets), 2511 (Wood household furniture, except upholstered), 2512 (Wood household furniture, upholstered), 2517 (Wood television, radio, phonograph, and sewing machine cabinets), 2519 (Household furniture, not elsewhere classified), 2521 (Wood office furniture), 2531 (Public building and related furniture), 2541 (Wood office and store fixtures, partitions, shelving, and lockers), 2599 (Furniture and fixtures, not elsewhere classified) or 5712 (Furniture stores). *{effective July 10, 2003}*

**"Wood furniture component"** means a part that is used in the manufacture of wood furniture. The term includes drawer sides, cabinet doors, seat cushions, and laminated tops. *{effective July 10, 2003}*

**"Wood furniture manufacturing operations"** means the coating, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components. *{effective July 10, 2003}*

**"Work area"** means designated rooms, spaces, or areas in which asbestos abatement actions are to be undertaken or which may become contaminated as a result of such abatement actions.

**"Worker decontamination enclosure system"**, for purposes of asbestos abatement, means that portion of a decontamination enclosure system designed for controlled passage of workers, and other authorized persons, consisting of a cleanroom, a shower room, and an equipment room separated from each other and from the work area by airlocks.

**"Working days"**, for purposes of asbestos abatement, means each day before, but not including, the proposed day on which a demolition or asbestos abatement project is proposed to begin except for Saturdays, Sundays, and official County of Allegheny holidays (excluding Flag Day).

---

## PART B - PERMITS GENERALLY

### §2102.01 CERTIFICATION

Any application form, report, or compliance certification submitted under this Article shall contain written certification by a responsible official as to truth, accuracy, and completeness. This certification and any other certification required under this Article shall be signed by a responsible official of the source, and shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

### §2102.02 APPLICABILITY *{amended December 12, 2000, effective January 12, 2001}*

Unless otherwise specifically indicated, this Part shall apply to all sources and air pollution control equipment located within the County.

### §2102.03 PERMITS GENERALLY *{Paragraph a.1 & d.2 & Subsections i & j amended, and k & l added September 6, 1995, effective October 20, 1995. Subsection e amended and Subparagraphs j.2.D and l.2.D added September 15, 2021, effective September 25, 2021. Subsections b, j, and l amended, and m added September 16, 2022, effective September 26, 2022.}*

- a. **Applications.**
  1. All permit applications, and documents, and other information which are submitted in support of a permit application, under this Part or Part C of this Article shall be in written form signed by a responsible official of the applicant, shall be submitted in duplicate, shall include payment of all applicable fees, and shall provide all information sufficient for the Department to commence evaluation of the subject source, including all activities which are exempted because of size or production rate, and to determine all applicable requirements, including fee amounts, on standard application forms provided by the Department.
  2. In addition, the applicant shall promptly submit to the Department such additional information as is requested to evaluate the application under this Part. If the applicant fails to promptly provide such information, the Department may reject the application. No application shall be considered complete until the applicant has furnished to the Department all information needed to evaluate the application under this Part and the fee required by this Part.
- 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 Health, the head of the Division of Air Quality, or the head of the Engineering Section, Bureau of Environmental 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.
- c. **Conditions.** It shall be a violation of this Article giving rise to the remedies provided by Part I of this Article for any person to fail to comply with any terms or conditions set forth in any permit issued pursuant to this Part.

d. **Rejection or Revocation.**

1. If the Department rejects any permit application under this Part or Part C of this Article or revokes any permit previously issued under this Part or Part C of this Article, it shall so advise the applicant in writing, summarizing the reasons for the rejection or revocation.
2. The Department shall reject any permit or license application under this Article and may suspend, terminate, or revoke any permit or license previously issued under this Article if it finds that the permittee or a general partner, or parent or subsidiary corporation of the permittee is in violation of the Air Pollution Control Act, the rules and regulations promulgated under the Air Pollution Control Act, this Article, any City of Philadelphia air pollution control rule or regulation, or any air pollution control plan approval, permit, or order of the DEP, the Department, or the City of Philadelphia, as indicated by past or present violations or the DEP's compliance docket, unless the violation is being corrected to the satisfaction of the primary air pollution control enforcement agency(s) for the source(s) in violation.

e. **Transfers.** Permits issued pursuant to this Part or Part C of this Article shall not be transferable from one person to another, except in accordance with the requirements of this Part or Part C in cases of change-in-ownership which are documented to the satisfaction of the Department, and shall be valid only for the specific sources and equipment for which they were issued. The transfer of permits in the case of change-in-ownership shall also require the submission to the Bureau of a Permit Transfer application fee in the amount set by the Board of Health and approved by Allegheny County Council, and in the case of an Operating Permit a compliance certification in accordance with §2103.11.b.9 of this Article, and in the case of a Major Source a compliance certification in accordance with §2102.06.b.2 of this Article. The required documentation and fee must be received by the Bureau at least 30 days before the intended transfer date.

f. **Modification of Permits.** Upon written request or upon its own motion, the Department may modify a permit previously issued to correct clerical errors.

g. **Effect.** Except as specifically otherwise provided under Part C, issuance of a permit pursuant to this Part or Part C of this Article shall not in any manner relieve any person of the duty to fully comply with the requirements of this Article or any other provision of law, nor shall it in any manner preclude or affect the right of the Department to initiate any enforcement action whatsoever for violations of this Article, whether occurring before or after the issuance of such permit. Further, except as specifically otherwise provided under Part C of this Article, the issuance of a permit shall not be a defense to any nuisance action, nor shall such permit be construed as a certificate of compliance with the requirements of this Article.

h. **Appeals.**

1. Any person who is aggrieved by the denial or rejection of a permit application or revocation of a permit required by this Article, or the issuance or reissuance of such permit with conditions, or any person who participated in the public comment process for a permit, shall have the right to file an appeal pursuant to the provisions of Article XI, Rules and Regulations of the Allegheny County Health Department, or in accordance with such other procedures as may hereafter be established by the Board of County Commissioners.
2. In all such cases involving the provisions of this Part, a hearing granted pursuant to this Subsection:
  - A. Shall not be held before employees of the Department who are assigned to the Bureau of Environmental Quality Division of Air Quality; and
  - B. Shall be held before a Hearing Officer who represents the public interest and does not derive any significant portion of his income from persons subject to this Article within the meaning in Part A of this Article; except that , if a panel of three (3) or more persons

is appointed to hear the case, a majority of the panel shall represent the public interest and shall not derive any significant portion of his income from persons subject to this Article. Prior to being appointed as a Hearing Officer, each proposed appointee shall file with the Chief Clerk of the County of Allegheny a Disclosure Statement as required by Part I of this Article. Said Disclosure Statement shall be subject to the public inspection provisions of Part I.

3. In any such administrative hearing, the person filing the appeal shall bear the burden of proof and the burden of going forward with respect to all issues.

i. **Compliance History.** *{Paragraphs 2, 3, & 4 added September 6, 1995, effective October 20, 1995}*

1. The Department may refuse to issue any permit or license under this Article if it finds that the applicant or permittee or a partner, or parent or subsidiary corporation of the applicant or permittee has shown a lack of intention or ability to comply with the Air Pollution Control Act, the regulations promulgated under the PA Act, this Article, the City of Philadelphia air pollution control rules and regulations, or any plan approval, permit, or order issued by the DEP, the City of Philadelphia, or the Department, as indicated by past or present violations, unless the lack of intention or ability to comply is being or has been corrected to the satisfaction of the primary air pollution control enforcement agency(s) for the violating source(s).
2. Except as otherwise provided under this Subsection, the Compliance Review and Compliance Review Form 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 §§127.12a and 127.412 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.
3. For purposes of this Article, 25 Pa. Code §§127.12a(c)(5) & 127.412(c)(5) shall only require the submission of information regarding permits in effect during the previous 12 months for the first permit application due after the effective date of this Section.
4. 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. "Responsible official" shall mean Responsible Official as defined under this Article;
  - D. "Facility" shall mean Source;
  - E. "Deviation" shall mean "Deviation" as defined under 25 Pa. Code §121.1;
  - F. "EHB" shall mean the "Department under Article XI";
  - G. "Title V Permit" shall mean an Operating Permit issued under this Subpart;
  - H. "Documented conduct" shall mean "Documented conduct" as defined under 25 Pa. Code §121.1; and
  - I. "Compliance review form" shall mean "Compliance review form" as defined under 25 Pa. Code §121.1

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;
  - B. 25 Pa. Code § 127.612(c) shall only require that comments be retained for a period of five (5) years following final action on a proposed permit; and
  - C. 25 Pa. Code § 127.621(b) shall also allow delivery or transmittal of applications by regular U.S. mail or any other generally accepted manner of delivery or transmittal.
  - D. An applicant for a General Installation Permit shall pay a fee in accordance with §2102.10. An applicant for a General Operating Permit shall pay a fee in accordance with §2103.40.
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. "Facility" shall mean Source.

**k. Emissions Trading at Sources with Federally Enforceable Emissions Cap.**

1. Except as otherwise provided under this Subsection, the Emissions Trading at Sources with Federally Enforceable Emissions Cap 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 §127.448 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. Under the regulations incorporated by reference under this Subsection:
  - A. "Facility" shall mean Source as defined under this Article;
  - B. "Source" shall mean Emissions Unit;
  - C. "Department" shall mean Department as defined under this Article;
  - D. "Article" shall mean Article as defined under this Article;
  - E. "§127.516" shall mean Subsection §2103.22.e of this Article; and
  - F. "Permit" shall mean Installation or Operating Permit.

**l. 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;
  - B. 25 Pa. Code § 127.632(c) shall only require that comments be retained for a period of five (5) years following final action on a proposed permit; and
  - C. 25 Pa. Code § 127.641(c) shall also allow delivery or transmittal of applications by regular U.S. mail or any other generally accepted manner of delivery or transmittal.

- D. An applicant for a General Installation Permit for Sources Operating at Multiple Temporary Locations shall pay a fee in accordance with §2102.10. An applicant for an Operating Permit for a Source Operating at Multiple Temporary Locations shall pay a fee in accordance with §2103.40.
  - 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. "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 Department of Environmental Protection (DEP) under the Pa. Air Pollution Control Act (35 P.S. §§ 4001—4015) 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 § 127.632, 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 g amended September 15, 2021, effective September 25, 2021. . Subsection i amended and Subsection j renamed and revised September 16, 2022, effective September 26, 2022.}*

- a. **General Requirements.**
  - 1. It shall be a violation of this Article giving rise to the remedies set forth in Part I of this Article for any person to install, modify, replace, reconstruct, or reactivate any source or air pollution control equipment to which this Part applies unless:
    - A. The Department has first issued an Installation Permit for such source or equipment; or

- B. Such action is solely a reactivation of a source with a current Operating Permit which is approved under §2103.13 of this Article; or
  - C. Such source is exempt under subsection a.5 of this section.
2. A physical change in, or change in the method of operation of, a major source which results in a greater than de minimis increase in actual emissions of a hazardous air pollutant shall not be considered a modification, if such increase in the quantity of actual emissions of any hazardous air pollutant from such source will be offset by an equal or greater decrease in the quantity of emissions of another hazardous air pollutant (or pollutants) from such source which is deemed more hazardous, pursuant to guidance issued by the Administrator under Section 112 of the Clean Air Act. The owner or operator of such source shall submit a showing to the Bureau, at least 30 days prior to such change, that such increase has been offset under the preceding sentence.
  3. Notwithstanding the requirements of Subsection b below, a new source which is issued an Installation Permit and commences construction or reconstruction, in accordance with a permit issued under this Article, after a standard, limitation, or regulation applicable to such source is proposed and before such standard, limitation, or regulation is promulgated shall not be required to comply with such promulgated standard until the date three (3) years after the date of promulgation, or for such other period if specified in the regulation, if:
    - A. The promulgated standard, limitation, or regulation is more stringent than the standard, limitation or regulation proposed; and
    - B. The source complies with the standard, limitation, or regulation as proposed during such period immediately after promulgation.
  4. A source for which construction or reconstruction is commenced after the date a MACT emission standard applicable to such source is proposed by EPA, but before the date a health risk based emission standard applicable to such source is proposed by EPA, shall not be required to comply with the health risk based emission standard until the date ten (10) years after the date construction or reconstruction is commenced.
  5. Exemptions. Sources consisting solely of the following, and modifications consisting solely of the following and complying with §2103.14.e.5, are exempted from the obligation to obtain Installation Permits under Part B of this Article, except if specifically required to be permitted under §2103.20.a or modified under §2103.14 or §2103.24 of this Article:
    - A. All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation;
    - B. Abrasive blasting of any surface, structure, or part thereof subject to, or expressly exempt from, §2105.51 of this Article, except for blasting which is part of a process not otherwise exempt from this Section;
    - C. Open burning;
    - D. Fuel-burning or combustion equipment, except sources producing power by direct momentum transfer, having a net load rating of 500,000 BTU per hour or less, if such equipment is fully or partially fired with coal;
    - E. Fuel-burning or combustion equipment, except sources producing power by direct momentum transfer, having a net load rating of 2,500,000 BTU per hour or less, if such



equipment is fired only with fuels other than coal, but fully or partially with fuels other than those set forth under Paragraph F below;

- F. Fuel-burning or combustion equipment, except sources producing power by direct momentum transfer, having a net load rating of 10,000,000 BTU per hour or less, if such equipment is fired only with natural gas supplied by a public utility, liquified petroleum gas, or by commercial virgin fuel oils which are No. 2 or lighter, have a viscosity less than or equal to 5.82 c St, meet all sulfur content requirements for permitted sources, meet all sulfur dioxide emission limit requirements of §2104.03 of this Article, and contain no reprocessed, recycled, or waste material;
  - G. Space heaters which heat by direct heat transfer;
  - H. Domestic heating plants and domestic refuse-burning equipment;
  - I. All sources that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA §§60.530 et seq. - Standards of Performance for New Residential Wood Heaters;
  - J. Laboratory equipment used exclusively for chemical or physical analyses;
  - K. Motor vehicles and other mobile sources;
  - L. Other sources and classes of sources, and physical changes to sources, determined to be of minor significance by the DEP pursuant to 25 Pa. Code §127.14(a)(8) & (9) and (d), which are incorporated by reference, or by the Department in accordance with criteria and guidance published by the DEP. Additions, revisions, or deletions to the list of sources and classes of sources, and physical changes, so determined pursuant to 25 Pa. Code §127.14(a)(8) & (9) and (d) are incorporated into this Article and are effective upon publication by DEP of the final list or any modification to the final list in the Pennsylvania Bulletin, unless otherwise established by regulation under this Article;
  - M. Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.
- b. **Standards for issuance.** The Department shall not issue any Installation Permit unless it has complied with all applicable requirements under this Article for public notice and received a complete application meeting the requirements of this Part, which application includes, or demonstrates that:
- 1. An identification of all other Installation Permits issued by the Department for the sources affected after November 15, 1990;
  - 2. The nature and amounts of emissions from the sources affected and from associated mobile sources;
  - 3. The location, design, construction and operation of the sources affected as they relate to emission characteristics;
  - 4. Emissions from the proposed source will not prevent the attainment and maintenance of the ambient air quality standards established by Part A of this Article at any location within the Commonwealth, nor will such emissions interfere with reasonable further progress toward the attainment of the NAAQS's; provided, however, that nothing herein contained shall preclude the applicant from agreeing to a more stringent emission limitation than established by this Article or securing enforceable emission reductions from existing sources so that such prevention or interference will not occur;

5. The proposed source will comply with all applicable emission limitations established by this Article, or where no such limitations have been established by this Article, RACT has been applied to existing sources with respect to those pollutants regulated by this Article;
  6. For new sources, BACT has been applied;
  7. Emissions from the proposed source will not endanger the public health, safety or welfare;
  8. The proposed source or modification will comply with all applicable NSPS requirements, existing and new source MACT standards, Generally Achievable Control Technology (GACT) standards, and NESHAP requirements established by the EPA, and where no applicable MACT emission limitations have been established by EPA after the federal deadline set for such establishment, such determinations of MACT as shall be made on a case-by-case basis by the Department;
  9. All existing air pollution sources within the Commonwealth which are required to have operating permits and which are owned, operated, or allowed to be operated, by the applicant or permittee or by any person controlling, controlled by, or under common control with the applicant or permittee are in compliance with all applicable requirements of the Air Pollution Control Act, the rules and regulations promulgated under the Air Pollution Control Act, this Article, any City of Philadelphia air pollution control rule or regulation, and any air pollution control plan approval, permit, or order of the DEP, the Department, or the City of Philadelphia, as indicated by the DEP's compliance docket, or such noncompliance is being corrected to the satisfaction of the primary air pollution control enforcement agency(s) for the source(s) in violation;
  10. All terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Department. Such terms and conditions:
    - A. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the new scenario under which it is operating; and
    - B. Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements under this Article; and
  11. For new or reconstructed major sources of hazardous air pollutants or modifications of such sources, the proposed source or modification will comply with all applicable MACT standards, and where no applicable MACT emission limitation has been established by EPA, such determination of MACT as shall be made on either a case-by-case or source category basis by the Department under federal regulations promulgated pursuant to §112(g) of the Clean Air Act. A person appealing the establishment of a performance or emission standard by the Department under this Paragraph shall have the burden to demonstrate that the performance or emission standard does not meet the requirements of §112 of the Clean Air Act.
- c. **Major Sources.** The Department shall not issue any Installation Permit for a major source unless, in addition to meeting the requirements of Subsection b above, the application demonstrates compliance with all applicable requirements of this Part.
- d. **Construction Activities.** If construction activities associated with the installation, modification, replacement, reconstruction, or reactivation of any source of air pollution control equipment to which this Article applies involves the grading, excavating, or deposition of earth on one half (0.5) acre of land or more, the application required by this Section shall include a plan for the implementation of all reasonable actions to prevent fugitive dust from becoming airborne. Such plan shall include at a minimum, a description of the nature and scope of the activities involved, fugitive dust control measures to be implemented, and a time schedule on which these measures will be implemented. Such plan shall be reviewed by the Department as part of the permit application review provided for by this Part and, once approved, shall be considered part of the permit issued by the Department.

- e. **Conditions.** The Department may issue permits subject to such terms and conditions as are appropriate to ensure continued compliance with the requirements of this Article, the Air Pollution Control Act and the Clean Air Act. Such terms and conditions may include, but are not limited to, requiring periodic progress reports, ambient or source monitoring, and operating or maintenance requirements. The initiation of installation, modification, replacement, reconstruction, or reactivation without having first been issued an Installation Permit as required by this Section, and any reactivation plan required by Part C of this Article, shall be deemed acceptance by the source of all terms and conditions later specified by the Department. Further, the initiation of installation, modification, replacement, reconstruction, or reactivation under an Installation Permit and any reactivation plan shall be deemed acceptance by the source of all terms and conditions specified by the Department in the permit and plan.
- f. **Revocation.** The Department may, at any time, revoke an Installation Permit if it finds that:
1. Any statement made in the permit application is not true, or that material information has not been disclosed in the application;
  2. The source is not being installed, modified, replaced, reconstructed, or reactivated in the manner indicated by the permit or applicable reactivation plan;
  3. Air contaminants will not be controlled to the degree indicated by the permit;
  4. Any term or condition of the permit has not been complied with;
  5. The Department has been denied lawful access to the premises or records, charts, instruments and the like as authorized by Part I of this Article; or
  6. In the case of a major source, the EPA has found, pursuant to Section 126(b) of the Clean Air Act, that emissions from such source would prevent the attainment or maintenance by any other state of any primary or secondary NAAQS's or that such emissions would interfere with any measure required to be included in the applicable SIP for any other state under Part C of the Clean Air Act relating to prevention of significant deterioration of air quality or protection of visibility; provided, however, that nothing herein contained shall prevent the re-issuance of such permit upon a demonstration that the conditions leading to such finding by the EPA have been corrected.

In addition, the Department may, prior to the date on which construction of the proposed source has commenced, revoke an Installation Permit if a significantly better air pollution control technology has become available for such source, a more stringent regulation applicable to such source has been adopted, or any other change has occurred which requires a more stringent degree of control of air contaminants.

- g. **Term.** An Installation Permit shall expire in 18 months if construction has not commenced within such period or shall expire 18 months after such construction has been suspended, if construction is not resumed within such period. Installation Permits shall authorize temporary operation to facilitate shakedown of sources and air cleaning devices, to permit operations pending issuance of a related subsequent Operating Permit, or to permit the evaluation of the air contamination aspects of the source. Such temporary operation period shall be valid for a limited time, not to exceed 180 days, but may be extended for additional limited periods, each not to exceed 120 days, except that no temporary operation shall be authorized or extended which may circumvent the requirements of this Article.

For major sources, if the construction, modification or installation is not commenced within 18 months of the issuance of an installation permit or if there is more than an 18-month lapse in construction, modification, or installation, a new installation permit application shall be submitted. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. An applicant for an extension of an installation permit shall pay a fee in the amount set by the Board of Health and approved by Allegheny County Council. The fee for an extension of an installation permit will not apply if, through no fault of the applicant, an extension is required.

**h. Synthetic Minors - Administrative Operating Permit Amendments.**

1. Any permit applicant for a source, emission unit, or a pollutant at such source or emission unit, not otherwise subject to §2102.05 below, upon written notice to the Department as part of its application under this Part, may choose to, and thereafter become, subject to §2102.05.c below for the purposes of subjecting the application to public and federal review in order to establish federal enforceability of such permit upon issuance.
2. Any permit applicant for a source, emission unit, or a pollutant at such source or emission unit, not otherwise subject to §2102.05 below, but for which a subsequent related Operating Permit or Operating Permit amendment is required under Part C of this Article, shall be subject to §2102.05.c below for the purposes of subjecting the application to public and federal review in order to establish federal enforceability of such permit upon issuance, except that where only a minor Operating Permit modification is required, only such minor modification procedures regarding notice shall be required.

Until the first amendments to this Article, including this Subsection, are approved by the EPA, all applications under this Subsection, upon approval by the Department, will be submitted to the EPA as proposed revisions to the County's portion of the SIP. Except as required for a SIP amendment, the public hearing provided for under §2102.05, for purposes of this Subsection shall only be held if deemed necessary by the Department.

**i. Advance Notice.**

In addition to all other notice requirements under this Part, the Department shall 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 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.

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

1. **Applicability.** This Subsection applies to all sources in Allegheny County submitting an Installation Permit application after the effective date of this regulation. This Subsection does not apply to sources installing air pollution control equipment, or projects that do not increase total potential air emissions of any regulated pollutant at those sources.
2. **General provisions.**
  - A. The Department shall not issue an Installation Permit if the source or any other source in Allegheny County owned or operated by the applicant has been in violation of any applicable requirement as defined in Article XXI at any time in the prior 18 months, except as provided under Paragraph 3 of this Subsection. For the purpose of this Subsection only, an applicant shall be deemed to own a source if the applicant or its parent corporation has a fifty percent or greater interest in the source, directly or through a partnership or subsidiary.
  - B. The applicant shall include in the permit application a written history of compliance with all applicable requirements in the prior 12 months based on information and belief formed after reasonable inquiry. The history of compliance must be certified by a responsible official of the source.
  - C. The Department shall not issue an Installation Permit unless the applicant has satisfied the provisions of 2.b of this Subsection, and is not in violation of any applicable requirements up until the time of permit issuance except as provided for in Paragraph 3 of this Subsection.
3. For the purpose of this Subsection only, the permit issuance will not be prohibited for:
  - A. Violations that are the result of events beyond the reasonable control of the applicant as determined by the Department;
  - B. Violations that the Department determines are due to infrequent exceedances that have not caused a significant increase in emissions, are not indicative of a systematic failure to meet applicable requirements, and the violations have been corrected to the satisfaction of the Department;
  - C. Violations based solely on recordkeeping or reporting requirements, and the violations have been corrected to the satisfaction of the Department; or
  - D. Violations for which the source or the Department has identified a compliance problem and the violations are being corrected pursuant to a compliance plan approved by the Department that meets the provisions of Section 2103.11.b.8 and the source has operated in compliance with that plan for six months or more, or has completed such a plan to the satisfaction of the Department.
4. Except for violations as described in Subparagraph 3.c above, if a source is subsequently found to be in violation of the terms and conditions of a compliance plan which satisfies the requirements of 3.d above, the Department shall revoke the Installation Permit, and the source shall cease all work allowed by the Installation Permit, other than work necessary for the protection of worker or public safety.

## §2102.05 INSTALLATION PERMITS FOR NEW AND MODIFIED MAJOR SOURCES

*{Subsection c amended September 16, 2022, effective September 26, 2022.}*

- a. **General.** In addition to satisfying the requirements of Subsection 2102.04.b of this Part above, the Installation Permit application for any new or modified major source shall demonstrate compliance with all provisions of this Section.
- b. **Interstate Notification.**
  1. The Installation Permit application for a proposed new or modified major source shall include proof that the applicant has provided written notice to the air quality permitting agencies or departments of all affected states. Such notice shall include at a minimum an identification of the type of source to be constructed or modified, its location and projected start-up date, an identification of the types and amounts of air contaminants which will be emitted and the effective height of all significant emissions points, the name and address of a person who will provide such additional information as may be requested, and the address of the Bureau of Environmental Quality for the receipt of comments.
  2. No Installation Permit shall be issued pursuant to this Article sooner than 60 days after issuance of any notice to all affected states as required under paragraph 1 above.
- 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 draft installation permit and of a public hearing on such draft installation permit to be held no sooner than 30 days following 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, a point of contact at the Department to which public comments may be sent no later than ten (10) days following the public hearing and to which requests to testify at the public hearing may be sent within 30 days of the posting of the notice, and the date, time, and location of the public hearing. The Department shall then:
  1. Cause such notice to be posted in accordance with Paragraph 2102.03.m.2;
  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 as provided under Subsection 2102.03.m of this Article;
  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.

**§2102.06**

**MAJOR SOURCES LOCATING IN OR IMPACTING A  
NONATTAINMENT AREA**

*{Amended March 23, 2012, effective April 3, 2012. Subsection f amended November 13, 2014, effective January 1, 2015. Subsections a, b & g amended February 21, 2019, effective March 3, 2019.}*

- a. **Applicability.** This Section shall apply to any new major facility, as defined by 25 Pa. Code 121.1 and to any major modification of an existing source which is located in a nonattainment area or transport region of the County or which will have a significant air quality impact on any nonattainment area or transport region. Procedures in 25 Pa. Code 127.203a shall be followed in determining whether any modification at a major source is determined to be a major modification.
1. Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulation for New Source Review Applicability Determination promulgated under the Air Pollution Control Act at 25 Pa. Code §127.203 (except 127.203(b)), 127.203a, and 127.204, which are hereby incorporated by reference into this Subsection. All terms used in 25 Pa. Code 127.203 (except 127.203(b)), 127.203a, and 127.204, and defined in 25 Pa. Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
  2. For purposes of this Subsection:
    - A. “Department” shall mean Department as defined under this Article;
    - B. “Plan Approval” shall mean Installation Permit;
    - C. At Subparagraph (i) under the definition of “Major Facility,” found at 25 Pa. Code §121.1, the following additional “lower emissions thresholds” shall apply:
      1. Seventy TPY of PM<sub>2.5</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
      2. Seventy TPY of NO<sub>x</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
      3. Seventy TPY of SO<sub>2</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
      4. Seventy TPY of VOCs in a serious nonattainment area for PM<sub>2.5</sub>.
      5. Seventy TPY of ammonia in a serious nonattainment area for PM<sub>2.5</sub>.
    - D. Subsubparagraph (iii)(B) of the definition of “Regulated NSR pollutant” shall read as follows: “SO<sub>2</sub>, VOCs and ammonia are precursors to PM<sub>2.5</sub> in all PM<sub>2.5</sub> nonattainment areas.”
    - E. Subparagraph (i) of the definition of “Significant” shall read as follows with respect to the Emission Rate for PM<sub>2.5</sub>:

“10 TPY of PM<sub>2.5</sub>; 40 TPY of SO<sub>2</sub>; 40 TPY of VOCs; 40 TPY of ammonia; 40 TPY of NO<sub>x</sub>, unless the Department demonstrates to the EPA’s satisfaction or EPA determines that the NO<sub>x</sub> emissions are not a significant contributor to PM<sub>2.5</sub> nonattainment in the area.” And;
    - F. “Significance level(s)” shall mean “significant air quality impact” as defined under this Article.
  3. **Circumvention.** Regardless of the exemptions provided in this section, an owner or other person may not circumvent this section by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit or submission of an installation permit application. In determining the LAER standard for such increments, the Department shall consider the stage of construction of each increment and the feasibility of installing additional air pollution controls on each.

- b. **Conditions for Approval.** The Department shall not issue an Installation Permit, or issue, amend, modify, or reissue a related Operating Permit, for any source to which this Section applies unless the applicant demonstrates that all of the following conditions are met:
1. Except as otherwise specifically provided under this Subsection, conditions for approval of an installation permit shall be applied consistent with the provisions of the state regulation for New Source Review promulgated under the Air Pollution Control Act at 25 Pa. Code §127.201 through 127.205 (except 127.201(f)), which are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code §127.201 through 127.205 (except 127.201(f), and defined in 25 PA Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
  2. For purposes of this Subsection:
    - A. "Department" shall mean Department as defined under this Article;
    - B. "Plan approval" shall mean Installation Permit;
    - C. "Title V Permit" shall mean an Operating Permit issued under Subpart C;
    - D. "Responsible official" shall mean Responsible Official as defined under this Article;
    - E. Public notification procedures shall follow the requirements of §2102.03, 2103.04, 2102.05, and 2102.06; and
    - F. "EHB" shall mean the "Department under Article XI."
  - G. At Subparagraph (i) under the definition of "Major Facility," found at 25 Pa. Code §121.1, the following additional "lower emissions thresholds" shall apply:
    1. Seventy TPY of PM<sub>2.5</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
    2. Seventy TPY of NO<sub>x</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
    3. Seventy TPY of SO<sub>2</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
    4. Seventy TPY of VOCs in a serious nonattainment area for PM<sub>2.5</sub>.
    5. Seventy TPY of ammonia in a serious nonattainment area for PM<sub>2.5</sub>.
  - H. Subsubparagraph (iii)(B) of the definition of "Regulated NSR pollutant" shall read as follows:

"SO<sub>2</sub>, VOCs and ammonia are precursors to PM<sub>2.5</sub> in all PM<sub>2.5</sub> nonattainment areas."
  - I. Subparagraph (i) of the definition of "Significant" shall read as follows with respect to the Emission Rate for PM<sub>2.5</sub>:

"10 TPY of PM<sub>2.5</sub>; 40TPY of SO<sub>2</sub>; 40TPY of VOCs; 40TPY of ammonia; 40TPY of NO<sub>x</sub>, unless the Department demonstrates to the EPA's satisfaction or EPA determines that the NO<sub>x</sub> emissions are not a significant contributor to PM<sub>2.5</sub> nonattainment in the area."
  - J. 25 Pa. Code §127.202(a), "Effective date," shall read as follows:

"(a) The special permit requirements in this subchapter apply to an owner or operator of a facility to which a plan approval is issued by the Department after May 19, 2007, except the special permit requirements for PM<sub>2.5</sub> and precursors to PM<sub>2.5</sub> which apply as follows:

    - (1) PM<sub>2.5</sub>, NO<sub>x</sub> and SO<sub>2</sub> after September 3, 2011
    - (2) VOCs and ammonia after March 3, 2019.

and;
  - K. "Significance level(s)" shall mean "significant air quality impact" as defined under this Article.



### 3. **Emission Offsets.**

The applicant shall demonstrate that it has secured emission reduction credits from the state ERC registry system to offset allowable emissions and fugitive dust emissions from the proposed new source or the proposed modification by at least the ratios set forth below.

A. **Incorporation by Reference.** Except as otherwise specifically provided under this Subsection, the state regulations for the use of Emission Reduction Credits and offset ratios promulgated under the Air Pollution Control Act at 25 Pa. Code §§127.206 through 127.210 inclusive, are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code 127.206 through 127.210 inclusive, and defined in 25 PA Code Section 121.1, are incorporated by reference except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

B. For purposes of this Subsection:

1. "Plan approval" shall mean Installation Permit;
2. For 25 Pa. Code §§ 127.206 through 127.210 (except 127.206(d)(2), 127.207(3)(vii), 127.208 (5), 127.209(a) and 127.209 (e)), "Department" shall mean Department as defined under this Article; and
3. At Subparagraph (i) under the definition of "Major Facility," found at 25 Pa. Code §121.1, the following additional "lower emissions thresholds" shall apply:
  - aa. Seventy TPY of PM<sub>2.5</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
  - bb. Seventy TPY of NO<sub>x</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
  - cc. Seventy TPY of SO<sub>2</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
  - dd. Seventy TPY of VOCs in a serious nonattainment area for PM<sub>2.5</sub>.
  - ee. Seventy TPY of ammonia in a serious nonattainment area for PM<sub>2.5</sub>.
4. 25 Pa. Code §127.210, "Offset ratios," Subsection (a) shall read as follows for the PM<sub>2.5</sub> offset levels:

<u>Pollutant/Area</u>	<u>Flue Emissions</u>	<u>Fugitive Emissions</u>
.....		
PM <sub>2.5</sub>		
PM <sub>2.5</sub> Nonattainment Area		
PM <sub>2.5</sub>	1:1	1:1
PM <sub>2.5</sub> Precursors		
SO <sub>2</sub>	1:1	1:1
NO <sub>x</sub>	1:1	1:1
VOCs	1:1	1:1
Ammonia	1:1	1:1

- c. **Temporary Sources.** Temporary sources shall not be required to comply with net air quality benefit and offsets requirements.
- d. **Fuel Switches.** The Department may issue an Installation Permit for the modification of an existing source which is required to switch fuels pursuant to a federal order or fuel curtailment plan if:
  1. The applicant demonstrates that it has used all best efforts to secure all available offsets; and,
  2. The applicant is made subject to a permit condition requiring it to use all best efforts to secure additional offsets until the requirements of Paragraph b.3 are met.

- e. **Portable facilities.** Incorporation by Reference. The state regulations for portable facilities under the Air Pollution Control Act at 25 Pa. Code §§127.212 are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code §§127.212 and defined in 25 PA Code Section 121.1 are incorporated by reference. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
- f. **Requirements for Modeling.** Where air quality models are used to meet the provisions of this Section, modeling shall be based on the applicable models and other requirements specified in 40 CFR Part 51 Appendix W (Guideline on Air Quality Models). Where an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model may be substituted only on a case-by-case basis at the Department's discretion upon written approval by the Administrator of EPA. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures set forth in 40 CFR 51.102.
- g. **Plantwide Applicability Limit (PALs).**

The Plantwide Applicability Limits (PALs) regulations in 25 Pa. Code §127.218 are hereby incorporated by reference into this Subsection. All terms used in 25 PA Code §127.218 and defined in 25 PA Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

For purposes of this Subsection:

1. Public notification procedures shall follow the requirements of §2102.03, 2103.04, 2102.05, and 2102.06;
2. "Plan approval" shall mean Installation Permit; and
3. "Department" shall mean the Allegheny County Health Department.
4. At Subparagraph (i) under the definition of "Major Facility," found at 25 Pa. Code §121.1, the following additional "lower emissions thresholds" shall apply:
  - A. Seventy TPY of PM<sub>2.5</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
  - B. Seventy TPY of NO<sub>x</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
  - C. Seventy TPY of SO<sub>2</sub> in a serious nonattainment area for PM<sub>2.5</sub>.
  - D. Seventy TPY of VOCs in a serious nonattainment area for PM<sub>2.5</sub>.
  - E. Seventy TPY of ammonia in a serious nonattainment area for PM<sub>2.5</sub>.
5. Subparagraph (i) of the definition of "Significant" shall read as follows with respect to the Emission Rate for PM<sub>2.5</sub>:

"10 TPY of PM<sub>2.5</sub>; 40 TPY of SO<sub>2</sub>; 40 TPY of VOCs; 40 TPY of ammonia; 40 TPY of NO<sub>x</sub>, unless the Department demonstrates to the EPA's satisfaction or EPA determines that the NO<sub>x</sub> emissions are not a significant contributor to PM<sub>2.5</sub> nonattainment in the area." And;
6. "Significance level(s)" shall mean "significant air quality impact" as defined under this Article.

## §2102.07 PREVENTION OF SIGNIFICANT DETERIORATION

*{Subsection a amended September 6, 1995, effective October 20, 1995, Subsection a modified January 22, 1998 effective March 31, 1998. Subsection d amended August 29, 2013, effective September 23, 2013.}*

- a. **General Provisions.** The Prevention of Significant Deterioration (PSD) requirements as promulgated in 40 CFR §52.21 by the Administrator of the EPA pursuant to Section 161 of the Clean Air Act are hereby adopted in their entirety and incorporated herein by reference. 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 the PSD requirements adopted by EPA are incorporated into this Article and are effective on the date established by the Federal regulations, unless otherwise established by regulation of the Department.
- b. **Permits.** Notwithstanding the issuance of any Installation Permit pursuant to this Article, no person shall commence the construction of, and no Operating Permit shall be issued pursuant to this Article for, any new or modified major source in an attainment or unclassified area of the County until such person has obtained a PSD Permit from the Department or has obtained a written determination from the Department that a PSD Permit is not required for such source under the applicable statutes, regulations, or other laws.
- c. **Exemption.** The PSD provisions of this Article shall not apply to sources of hazardous air pollutants as defined in Part A of this Article.
- d. **Violation.** It shall be a violation of this Article giving rise to the remedies provided by Section 2109.02 of this Article for any person to commence construction of or to allow construction to commence on, or to own, operate, or allow to be operated, any new or modified major source in an attainment or unclassified area of the County in a manner that does not comply with all PSD requirements as promulgated by the EPA and incorporated herein.

## §2102.08 EMISSION OFFSET REGISTRATION

*{Section amended March 23, 2012, effective April 3, 2012.}*

- a. **Incorporation by Reference.** Except as otherwise specifically provided under this Subsection, the state regulations for registration of Emission Reduction Credits promulgated under the Air Pollution Control Act at 25 Pa. Code §§127.206 through 127.209 inclusive, are hereby incorporated by reference into this Subsection. All terms used in 25 Pa. Code §§127.206 through 127.209 and defined in 25 Pa. Code Section 121.1 are incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulations by the Commonwealth are incorporated into this Subsection and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
- b. For purposes of this Subsection:
  1. “Plan approval” shall mean Installation Permit; and
  2. For 25 Pa. Code §§127.206 through 127.209 (except 127.206(d)(2), 127.207(3)(vii), 127.208(5), 127.209(a) and 127.209(e)), “Department” shall mean Department as defined under this Article.
- c. **Reports.** All applications, notices and reports required to be submitted to the Commonwealth under the applicable state emission reduction credit regulations shall be submitted to the Allegheny County Health Department by the same deadline set forth in such regulations.
- d. **Reports.** Applications for registration of emission reduction credits shall be accompanied by the payment of a non-refundable verification fee payable to the Allegheny County Air Pollution Control Fund. The amount of the fee shall be set by the Board of Health and approved by Allegheny County Council. The Department may prepare a form required to be used in providing the notice required by this Section.

- e. Within 180 days of receipt of a properly completed notice, with the appropriate fee, the Department shall verify the amount of offsets available, if any, setting forth the amount, location, pollutant characteristics, and the creation date of such offsets, and provide notice to the owner or operator of such verification. The owner or operator of the source affected shall provide the Department with all information, and shall bear the cost of such tests, studies, and the like, as are necessary for such verification.
- f. The Department shall then forward such notice and verification to the air quality permitting agency for the Commonwealth of Pennsylvania for registration in the state Emission Reduction Credit registry system.
- g. Emission offset credits under this Section shall not be available for use until registered in the state registry system, at which time the existence and availability of such credits becomes subject to the state regulations for registered Emission Reduction Credits promulgated under the Air Pollution Control Act.
- h. **Transfers.** Registered offsets shall only be transferable as provided for under the applicable state regulations, except that offsets created in Allegheny County or to be used in Allegheny County shall be transferable to and from 501(c)(3) non-profit corporations and governmental bodies and authorities for the purpose of facilitating the use of such credits.

## **§2102.09 WASTE-DERIVED LIQUID FUEL**

*{Subsection a amended October 26, 2022, effective November 5, 2022.}*

The applications for and issuance of Installation Permits that expressly permit the burning of Waste-Derived Liquid Fuel as provided by this Article shall also be governed by the applicable requirements and standards of this Part except as otherwise specified by this Section. In addition to the other requirements of this Part, an application for an Installation Permit under this Section shall include:

- a. A report of the results of the analysis of a representative sample of the fuel to be used in accordance with Part G of this Article; and
- b. For equipment in which the owner or operator is requesting to burn waste-derived liquid fuel pursuant to paragraph a.4 of §2105.31 of this Article, a report of the results of a diffusion modeling analysis as required by Subparagraph b.6.C.ii. of §2105.31 of this Article.

## **§2102.10 INSTALLATION PERMIT APPLICATION AND ADMINISTRATION FEES**

*{Subsections b & d amended August 12, 1999, effective September 1, 1999. Subsections b, c, and d revised and Subsection f added by July 16, 2009 amendment, effective July 26, 2009. Subsections b, c and h amended and subsections d through g added September 15, 2021 effective September 25, 2021.}*

- a. **Installation Permit Application Fee.** On the date that an application for an Installation Permit is submitted under this Part the owner or operator of such source shall submit to the Department, in addition to all other applicable emission and administration fees, an Installation Permit Application Fee in an amount determined under, and in accordance with, the requirements of this Section.
- b. **Amount of Application Fees.** A schedule of the amounts of the application fees required by this Part for Installation Permit Application fees shall be set by the Board of Health. The applicable fees required under this subsection are cumulative. Consideration shall be given to the degree of technical and regulatory difficulty in establishing fees for the following categories of installation permits:
  - 1. For any source requiring an Installation Permit under this Part.
  - 2. For any source requiring a Prevention of Significant Deterioration (PSD) permit under this Article.
  - 3. For any source requiring an Installation Permit under this Section which requires the Department to establish a MACT standard for such source.

4. For any source requiring an Installation Permit under this Section and subject to §2102.06 above involving new major sources and major modifications locating in or impacting a non-attainment area.
  5. For any source requiring an Installation Permit under this Section and subject to existing NSPS, NESHAP, or MACT standards. The owner or operator of such source shall pay a fee set by the Board of Health for each applicable standard up to and including three applicable standards per Installation Permit application. Applicants that have more than three applicable standards shall pay the fee for a maximum of three standards. The Department's permitting review will include all applicable standards.
  6. For any source requiring an Installation Permit under this Section for a Plantwide Applicability Limit permit under 25 Pa. Code § 127.218(b) (relating to PALs), to cease a PAL permit under 25 Pa. Code § 127.218(j) or to increase a PAL under 25 Pa. Code § 127.218(l).
  7. For any source proposing a PAL under §2102.07, "Prevention of Significant Deterioration," that is not included in an application submitted under Paragraph 2 or Paragraph 6, above.
- c. **Minor Modifications of an Installation Permit.** Modifications to Installation Permits may be applied for but only upon submission of an application with a fee paid and where:
1. No reassessment of any control technology determination is required;
  2. No reassessment of any ambient air quality impact is required;
  3. There is no increase in emissions; and
  4. The applicable requirements of §2102.04.j, "Miscellaneous Notice Requirements," are met.

The fee amount shall be set by the Board of Health.

- d. **Modifications of an Installation Permit Application.** The owner or operator of a source proposing a revision to an Installation Permit application submitted by the applicant that includes one or more of the following changes after the Department has completed its technical review shall pay the fee in Paragraph 1 or Paragraph 2 as applicable.
1. For a reassessment of a control technology determination, the applicable fee set by the Board of Health under Paragraph b.1, above.
  2. For an analysis of the ambient impacts of the source, a fee in the amount set by the Board of Health.
- e. **Risk assessment.** Each applicant for a risk assessment shall, as part of the installation permit application, submit an application fee for either:
1. A risk assessment that considers inhalation only for all modeling; or
  2. A multi-path risk assessment.

The application fees required by this subsection shall be set by the board of health.

- f. **Request for Determination.** The owner or operator of a source subject to this Section that submits a request for determination under §2102.04.a.5 (relating to exemptions) for an installation permit, an operating permit, or for both an installation permit and an operating permit, shall pay a fee in the amount set by the Board of Health. The Board of Health shall set a reduced fee for an owner or operator of a source that meets the definition of small business stationary source set forth in Section 3 of the Air Pollution Control Act (35 P.S. §4003).

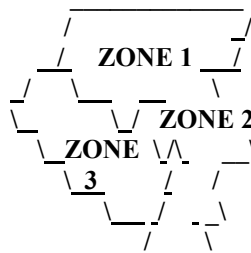
- g. **Fees for the use of General Installation Permits under §2102.03.j and §2102.03.l.** The Department may establish application fees for the use of General Installation Permits for stationary sources or Sources Operating at Multiple Temporary Locations (portable sources). These application fees will be established and published when the General Installation Permit is issued or modified by the Department.
  - h. **Payment of Fees.** Payment of the required fees under Subsections a through d of this section and under §2102.03.e and §2102.04.g for a source that requires a major operating permit shall be made by check or money order payable to the "Allegheny County Air Quality Fund." Payment of all other required fees under this Part by all other sources shall be made by check or money order payable to the "Allegheny County Air Pollution Control Fund."
  - i. **Approval of Fees.** Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
-

## PART C - OPERATING PERMITS

### §2103.01 TRANSITION

*{Paragraphs a.1, 2, & 3 amended, Subsection b added, Paragraphs c.1, 2, & 3 relettered and amended, and c.4, 5, & 6 added, and former Subsection c deleted September 6, 1995, effective October 20, 1995}*

- a. The owners or operators of all sources either subject to Section 2103.20 or applying as a Synthetic Minor under §2103.20.b.4 of this Part, as of the applicable dates set forth in this Subsection a. shall submit to the Department in accordance with all applicable requirements of this Article, complete permit applications, including all applicable fees, for the initial Operating Permits following the effective date of this Part:
  1. For all such sources primarily situated in Air Pollution Control Zone 1 of the County, bounded by the Allegheny County-Butler County line, the main channels of the Allegheny and Ohio Rivers, and the Allegheny County-Beaver County line, by no later than November 27, 1995;
  2. For all such sources primarily situated in Air Pollution Control Zone 2 of the County, bounded by the Allegheny County-Westmoreland County line and the main channels of the Monongahela and Allegheny Rivers, by no later than November 27, 1995; and
  3. For all such sources primarily situated in Air Pollution Control Zone 3 of the County, bounded by the Allegheny County-Washington County line, the Allegheny County-Beaver County line, and the main channels of the Ohio and Monongahela Rivers, by no later than November 27, 1995.
- b. The owners or operators of all sources subject to Section 2103.10, but not subject to Section 2103.20 nor applying as a Synthetic Minor under §2103.20.b.4, of this Part, as of the applicable dates set forth in this Subsection b shall submit to the Department in accordance with all applicable requirements of this Article, complete permit applications, including all applicable fees, for the initial Operating Permits following the effective date of this Part:
  1. For all such sources primarily situated in Air Pollution Control Zone 1 of the County, bounded by the Allegheny County-Butler County line, the main channels of the Allegheny and Ohio Rivers, and the Allegheny County-Beaver County line, by no later than February 1, 1996;
  2. For all such sources primarily situated in Air Pollution Control Zone 2 of the County, bounded by the Allegheny County-Westmoreland County line and the main channels of the Monongahela and Allegheny Rivers, by no later than April 1, 1996; and
  3. For all such sources primarily situated in Air Pollution Control Zone 3 of the County, bounded by the Allegheny County-Washington County line, the Allegheny County-Beaver County line, and the main channels of the Ohio and Monongahela Rivers, by no later than June 3, 1996.



**§2103.01 - Allegheny County Air Quality Operating  
Permit Air Pollution Control Zones**

- c. Final action shall be taken by the Department on all complete permit applications for the initial Operating Permits following the effective date of this Part, submitted in accordance with Subsections a and b of this Section:
1. For all such sources requiring a Major Operating Permit or applying as a synthetic minor under §2103.20.b.4, and primarily situated in Air Pollution Control Zone 1 of the County, including approximately one-third of the major sources in the County, by no later than September 15, 1997, or for major sources by no later than 12 months following publication of EPA's approval of the County's major source operating permit program under 40 CFR Part 70, whichever is sooner;
  2. For all such sources requiring a Major Operating Permit or applying as a synthetic minor under §2103.20.b.4, and primarily situated in Air Pollution Control Zone 2 of the County, including approximately one-third of the major sources in the County, by no later than April 15, 1998, or for major sources by no later than 24 months following publication of EPA's approval of the County's major source operating permit program under 40 CFR Part 70, whichever is sooner;
  3. For all such sources requiring a Major Operating Permit or applying as a synthetic minor under §2103.20.b.4, and primarily situated in Air Pollution Control Zone 3 of the County, including approximately one-third of the major sources in the County, by no later than November 16, 1998, or for major sources by no later than 36 months following publication of EPA's approval of the County's major source operating permit program under 40 CFR Part 70, whichever is sooner;
  4. For all other such sources primarily situated in Air Pollution Control Zone 1 of the County, by no later than February 2, 1998;
  5. For all other such sources primarily situated in Air Pollution Control Zone 2 of the County, by no later than August 3, 1998; and
  6. For all other such sources primarily situated in Air Pollution Control Zone 3 of the County, by no later than February 1, 1999.
-



## **SUBPART 1 - OPERATING PERMITS (All Major & Minor Permits)**

### **§2103.10 APPLICABILITY, PROHIBITIONS, RECORDS**

*{Paragraphs b.1, 6, 9, 10, & 12 and c.2, & Subparagraph c.2.B amended September 6, 1995, effective October 20, 1995, Subparagraph c.2.C modified January 22, 1998, effective March 31, 1998. Subsection b 'Exemptions' deleted December 12, 2000, effective January 12, 2001. Subparagraph b.2.C amended September 15, 2021, effective September 25, 2021.}*

- a. **Applicability.** This Subpart shall apply to all sources and air pollution control equipment, including those subject to Section 2103.20 of this Part, located within the County.
- b. **Prohibitions.**
  1. **Prohibition of Operating Without a Permit.** Except as otherwise expressly provided under this Subpart, no source subject to this Subpart may be operated, or allowed to operate, after the time a complete Operating Permit application for such source is required to be submitted under this Part, except in compliance with an Operating Permit issued under this Subpart.
  2. **Exception.** If a timely and complete application for an Operating Permit or renewal or modification of an Operating Permit is submitted for a source under this Subpart, and through no fault of the applicant such permit has not yet been issued, the failure of such source to have a permit under this Subpart is not a violation of this Article until the Department takes final action on the permit application, but only if during the period in which the Department is reviewing the application for such permit:
    - A. Any and all required Installation Permits have been issued for such source or equipment pursuant to this Article, and in the case of a source subject to Subpart 2 of this Part such Installation Permits have been subject to public review under §2102.04.h or §2102.05 of this Article and are federally enforceable;
    - B. The source or equipment is being operated in compliance with §2102.04.g above and all terms and conditions contained in any required Installation Permits;
    - C. The source or equipment is being operated in compliance with all terms and conditions contained in the Operating Permits last issued to the source and the fees have been paid as required by Subsection 2103.11.c and Section 2103.40 of this Article.
    - D. The source or equipment is being operated in compliance with all applicable requirements under this Article;
    - E. To the extent not inconsistent with subparagraphs B, C, and D above, the source or equipment is being operated in compliance with all terms and conditions contained in the pending Operating Permit application;
    - F. The Department has determined that operation of the source or equipment during such period is not likely to prevent the attainment and maintenance of any ambient air quality standard established by this Article, endanger the public health, safety, or welfare, or otherwise interfere with the purposes of this Article; and
    - G. The applicant has not failed to submit by the deadlines specified in writing by the Department any additional information identified as being needed to process the application.

3. **Prohibition of Operation in Violation of Conditions.** It shall be a violation of this Article giving rise to the remedies provided by Section 2109.02 of this Article for any person to fail to comply with any terms or conditions set forth in any permit issued pursuant to this Subpart.

## **§2103.11 APPLICATIONS**

*{Paragraph a.2 & Subsections b, d, e, f, & g amended & h added September 6, 1995, effective October 20, 1995. Subsections a and c amended September 15, 2021, effective September 25, 2021. Subsections e, & f amended, subsection g re-lettered, and subsection h deleted September 16, 2022, effective September 26, 2022.}*

### **a. Generally.**

1. The submittal of a complete application under this Subpart shall not affect any other requirements that any source has under this Article.
2. Except for major sources, where a source only requires one permit, multiple permits, each for a portion of the source, may be applied for, but only where the issuance of such multiple permits is determined by the Department to be in the best interest of administratively efficient and effective permitting and regulatory enforcement of the source. Such separate permits can not, however, act to change any of the applicable requirements for the source or any of the applicable emission fees. In addition, all of the separate permits will each require the same applicable administrative fees and maintenance fees as the one permit would have required.

### **b. Content Requirements.** All applications under this Subpart shall provide all of the following information sufficient for the Department to evaluate the subject source, including all activities which are exempted because of size or production rate, and to determine all applicable requirements, including fee amounts, on standard application forms provided by the Department:

1. Identifying information, including operator company name and address, plant name and address if different from the company name, owner's name and agent, and telephone numbers, names, and titles of plant site manager and contact person.
2. A description of the source's processes and products (by Standard Industrial Classification Code) including any associated with each alternative operating scenario identified by the source pursuant to this Section.
3. The following emissions-related information for all emissions of regulated air pollutants:
  - A. The nature and amounts of all emissions of regulated air pollutants emitted from any emissions unit and from all associated mobile sources, including all fugitive emissions in the same manner as stack emissions;
  - B. Identification and description of all points of emissions in sufficient detail to establish the basis for fees and applicability of requirements of this Article;
  - C. Potential and actual emissions rates in tons per year (tpy) and in such units as are necessary to establish compliance consistent with the applicable standard reference test methods;
  - D. Types and amounts of fuels used, types and amounts of raw materials used, production rates, and operating schedules to the extent it is needed to determine or regulate emissions;
  - E. Identification and description of air pollution control equipment and compliance monitoring devices or activities;

- F. Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated air pollutants at the source;
  - G. Other information required by any applicable requirement, including information related to any applicable stack height limitations, and all other emission characteristics including all stack or emission point parameters; and
  - H. Calculations on which the information in subparagraphs A through G of this paragraph is based.
- 4. The following air pollution control requirements information:
    - A. Citation and description of all applicable emissions limitations and operating, monitoring, recordkeeping, reporting, and permitting requirements; and
    - B. Description of or reference to any applicable test method for determining compliance with each applicable requirement.
  - 5. Other specific information that may be necessary to implement and enforce other applicable requirements of this Article, to determine the applicability of such requirements, or to establish a federally enforceable emissions cap.
  - 6. An explanation of any proposed exemptions from otherwise applicable requirements.
  - 7. Additional information as determined to be necessary by the Department to define alternative operating scenarios identified by the source pursuant to this Subpart or to define any permit terms and conditions.
  - 8. A compliance plan, and schedule if necessary, for all sources that contains all of the following:
    - A. A description of the compliance status of the source with respect to all applicable requirements;
    - B. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;
    - C. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis, including a detailed schedule if expressly required by the applicable requirement;
    - D. For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements;
    - E. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance:
      - i. Including a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with all applicable requirements for which the source will be in noncompliance at the time of permit issuance; and
      - ii. That is at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based; and

- F. A schedule for submission of certified progress reports no less frequently than every six (6) months for sources required to have a schedule of compliance to remedy a violation.
9. Requirements for compliance certification, including the following:
- A. A certification of compliance with all applicable requirements by a responsible official consistent with the requirements for such certification under §2102.01 of this Article;
  - B. A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods; and
  - C. A schedule for submission of compliance certifications during the permit term, to be submitted at least annually, or more frequently if specified by the underlying applicable requirement or by the Department.
- c. **Operating Permit Application Fee and Annual Operating Permit Fees.** On the date that an application for an Operating Permit is submitted under this Subpart, the owner or operator of such source shall submit to the Department an operating permit application fee in amounts determined under, and in accordance with, the requirements of §2103.40. While such application is being reviewed and then during the term of any permit subsequently issued, the owner or operator of such source shall submit to the Department, in addition to all applicable emission fees, all applicable annual operating permit administration or annual operating permit maintenance fees in amounts determined under, and in accordance with, the requirements of Subpart 4 of this Part.
- d. **Initial Review.**
- 1. **Completeness.** Unless the Department notifies the applicant of its determination that an application under this Subpart is not complete, or requests additional information from the applicant, within 60 days of receipt of the application, including all applicable fees, such application shall be deemed to be complete.
    - A. The Department will determine if an application is complete within 60 days from receipt of the application. An application is complete if it contains sufficient information to determine all applicable requirements and begin processing the application, has the applicable sections completed, and has been signed by a responsible official.
    - B. Except as provided in §2103.01 of this Article, the Department will approve or disapprove a complete application within 18 months after the date of receipt of a complete application.
    - C. The submission of a complete application does not affect the requirement to obtain an Installation Permit as required by this Article.
  - 2. **Supplemental Information.**
    - A. The applicant shall provide additional information as necessary to address requirements that become applicable to the source after the date it files a complete application but prior to the Department taking action on the permit application.
    - B. The applicant shall provide supplementary facts or corrected information upon becoming aware that it has submitted incorrect information or failed to submit relevant facts.
    - C. Except as otherwise required by this Article, the Clean Air Act, or the regulations thereunder, the permittee shall submit additional information as necessary to address

changes occurring at the source after the date it files a complete application but prior to the Department taking action on the permit application.

- D. The applicant shall submit information requested by the Department which is reasonably necessary to evaluate the permit application.

e. **Advance Notice.**

In addition to all other notice requirements under this Part, the Department shall 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 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).

f. **Public Notice of 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 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 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 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. 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.

g. **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. 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.

## §2103.12 ISSUANCE, STANDARD CONDITIONS

*{Subparagraphs a.2.G, H, I, & J added, Subsection c deleted, and Paragraphs e.1, f.7, & n.1 & Subparagraph h.2.B amended September 6, 1995, effective October 20, 1995, Subparagraph e.3 added January 22, 1998 effective March 31, 1998}*

- a. **Standards for Issuance.** The Department shall not issue or reissue any Operating Permit, or any amended, revised, or modified Operating Permit, under this Subpart, unless it has:
1. Conducted, or has caused to be conducted, such tests, observations, inspections, and the like necessary to evaluate compliance with this Section;
  2. Received a complete application, including all applicable fees, meeting all applicable requirements of this Article, and which demonstrates that:
    - A. The source or air pollution control equipment was constructed or modified in compliance with all terms and conditions contained in all applicable Installation Permits;
    - B. The source complies with all applicable emission limitations established by this Article, or where no such limitations have been established by this Article, RACT has been applied to existing sources with respect to those pollutants regulated by this Article;
    - C. The conditions of the permit provide for and require compliance with all applicable requirements, including but not limited to all applicable requirements of this Article and all applicable NSPS's, existing and new source MACT standards, Generally Achievable Control Technology (GACT) standards, all regulations promulgated by EPA under §112(r) of the Clean Air Act, and NESHAP's established by the EPA, and where no applicable MACT emission limitations have been established by EPA after the federal deadline set for such establishment, such determinations of MACT as shall be made on a case-by-case basis by the Department;
    - D. For new sources, BACT has been applied;
    - E. Emissions from the source will not endanger the public health, safety, or welfare;
    - F. Emissions from the source will not prevent the attainment and maintenance of any ambient air quality standard established by Section 2101.10 of this Article at any location within the Commonwealth, nor will such emissions interfere with reasonable further progress toward the attainment of the NAAQS's; provided, however, that nothing herein contained shall preclude the applicant from agreeing to a more stringent emission limitation than established by this Article or securing enforceable emission reductions from existing sources so that such prevention or interference will not occur;
    - G. For new or reconstructed major sources of hazardous air pollutants or modifications of such sources, the proposed source or modification will comply with all applicable MACT standards, and where no applicable MACT emission limitation has been established by EPA, such determination of MACT as shall be made on either a case-by-case or source category basis by the Department under federal regulations promulgated pursuant to §112(g) of the Clean Air Act. A person appealing the establishment of a performance or emission standard by the Department under this Subparagraph shall have the burden to demonstrate that the performance or emission standard does not meet the requirements of §112 of the Clean Air Act;
    - H. The standards established under this Section shall be incorporated into the Installation Permit of each source within the category or subcategory for which a MACT requirement has been established. The Department has the authority to require, in the Installation

Permit, reasonable monitoring, recordkeeping, and reporting requirements for sources which emit hazardous air pollutants;

- I. In addition to the requirements of this Section, the Department is authorized to require that new sources demonstrate in the Installation Permit application that the source will reduce or control emissions of air pollutants, including hazardous air pollutants, by using BACT; and
  - J. For purposes of the regulation of hazardous air pollutants under §112 of the Clean Air Act, the term performance standard includes design, equipment, work practice, and operational standards or a combination thereof; and
3. Complied with all applicable public notice and participation requirements under this Subpart.
- b. **Prohibition of Default Issuance.** No operating permit under this Part, including a permit renewal or modification, shall be issued after a certain time because the Department has failed to take action on the application, nor shall any such permit be issued by default.
  - c. {reserved}
  - d. **Non-Complying Sources.** An Operating Permit may be issued under this Subpart for an existing source which cannot demonstrate compliance with the applicable emission limitations established by this Article if such permit, in addition to meeting all other applicable requirements under this Part, also expressly includes conditions constituting an enforceable compliance schedule for achieving, demonstrating, and maintaining compliance with such emissions limitations.
  - e. **Term.**
    - 1. An Operating Permit shall remain valid for five (5) years from the date of issuance, or such other shorter period if required by the Clean Air Act, unless revoked pursuant to this Article, and Operating Permits issued prior to the effective date of this Article shall remain valid for the term set forth in Section 2101.05 of this Article, provided that the existence of such permit shall not prevent the revocation of such permit pursuant to this Article, nor shall such permit operate to relieve in any manner any person from the duty to fully comply with the requirements of this Article.
    - 2. An Operating Permit for a non-complying source issued under Subsection d of this Section shall be deemed revoked and not valid after the date for compliance established by the compliance schedule required by this Subpart if compliance has not been demonstrated by such date. Non-Complying Source Operating Permits issued prior to the effective date of this Article shall remain valid for a term as set forth by §2101.05 of this Article and the provisions of this Part, or until such compliance date, whichever is earlier, provided that the existence of such permit shall not prevent revocation of such permit pursuant to this Section, nor shall such permit operate to relieve in any manner any person from the duty to fully comply with the requirements of this Article, except as set forth in the compliance schedule under this Subpart.
    - 3. The terms and conditions of an expired permit are automatically continued pending the issuance of a new permit when the permittee has submitted a timely and complete application and paid the fees required by §2103.40 of this Article and the Department is unable, through no fault of the permittee, to issue or deny a new permit before the expiration of the previous permit.

- f. **Standard general requirements.** All permits issued under this Subpart shall include the following provisions:
1. The permittee shall comply with all permit conditions and all other applicable requirements at all times. Any permit noncompliance constitutes a violation of this Article, the Pa. Air Pollution Control Act, and the federal Clean Air Act, and is grounds for any and all enforcement action, including, but not limited to, permit termination, revocation and reissuance, or modification, and denial of a permit renewal application;
  2. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit;
  3. The permit may be modified; revoked, reopened, and reissued; or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes, for changes that are provided for in the permit;
  4. The permit does not convey any property rights of any sort, or any exclusive privilege;
  5. The permittee shall furnish to the Department in writing, within a reasonable time, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of any records required to be kept by the permit; and
  6. Terms and conditions, if the permit applicant requests them, for the establishment of a source-wide emissions cap and the trading of emissions increases and decreases within the permitted source, to the extent that the applicable requirements do not prohibit trading such increases and decreases without a case-by-case approval of each emissions trade.
  7. Except where precluded under the Clean Air Act or federal regulations promulgated under the Clean Air Act, terms and conditions, if the permit limits the emissions of VOC's or PM-10 but does not limit the emissions of any hazardous air pollutants, that provide that the mixture of hazardous air pollutants which are VOC's or PM-10 can be modified so long as no permit emission limitations are violated. A log of all mixtures and changes shall be kept and reported with the next report required to the Department after each change.
- g. **Standard Emission Limit Requirements.** All permits issued under this Subpart shall include the following elements with respect to emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance:
1. Specification and reference to the origin of and authority for each term or condition and identification of any differences in form between permit terms and conditions and the applicable requirements on which the terms or conditions are based; and
  2. For permits containing a determination that an alternative emission limit at a source is equivalent to or more stringent than the applicable regulatory limit, provisions to ensure that such alternative emission limit has been, and can be, demonstrated to be quantifiable, enforceable, and based on replicable procedures.



- h. **Standard Compliance Requirements.** All permits issued under this Subpart shall include the following elements with respect to compliance:
1. Consistent with the other requirements of this Article, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document, including reports, required by a permit under this Subpart shall contain a certification by a responsible official that meets the requirements of §2102.01 of this Article.
  2. Requirements that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized Department and other federal, state, County, and local government representatives to:
    - A. Enter upon the permittee's premises where a permitted source is located or emissions-related activity is conducted, or where records are or should be kept under the conditions of the permit;
    - B. Have access to and copy and remove, at reasonable times, any records that must be kept under the conditions of the permit;
    - C. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
    - D. As authorized by either this Article or the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements.
  3. A schedule of compliance consistent with the requirements of this Article.
  4. Progress reports consistent with an applicable schedule of compliance and the requirements of this Article to be submitted at least semiannually, or at a more frequent period if specified in the permit by the Department or in other applicable requirements. Such progress reports shall contain the following:
    - A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
    - B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
  5. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
    - A. The frequency (annually or such more frequent periods as specified in the permit by the Department or in other applicable requirements) of submissions of compliance certifications;
    - B. In accordance with the requirements of this Article, a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

- C. A requirement that the compliance certification include the following:
- i. The identification of each term or condition of the permit that is the basis of the certification;
  - ii. The compliance status;
  - iii. Whether any noncompliance was continuous or intermittent;
  - iv. The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with the provisions of this Article; and
  - v. Such other facts as the Department may require to determine the compliance status of the source; and

D. Such additional requirements as may be determined to be necessary by the Department.

6. Such other provisions as the Department may deem necessary to ensure continued compliance with the requirements of this Article, including, but not limited to, terms and conditions regarding periodic reports, ambient or source monitoring, and operating and maintenance requirements.

- i. **Standard monitoring requirements.** All permits issued under this Subpart shall include the following elements with respect to monitoring:
1. Identification and citation of all emissions monitoring and analysis procedures or test methods required under all applicable requirements;
  2. Where an applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, including recordkeeping designed to serve as monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as required to be reported under this Part. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this subparagraph; and
  3. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
- j. **Standard recordkeeping requirements.** All permits issued under this Subpart shall include all applicable recordkeeping requirements and require, where applicable, the following:
1. Records of required monitoring information that include the following:
    - A. The date, place as defined in the permit, and time of sampling or measurements;
    - B. The date(s) analyses were performed;
    - C. The company or entity that performed the analyses;
    - D. The analytical techniques or methods used;
    - E. The results of such analyses; and
    - F. The operating parameters existing at the time of sampling or measurement; and
  2. Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart

recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

- k. **Standard reporting requirements.** All permits issued under this Subpart shall include all applicable reporting requirements and require the following:
  - 1. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official as required by §2102.01 of this Article; and
  - 2. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and §2108.01.c of this Article, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Department shall define "prompt" on a case by case basis in relation to the degree and type of deviation likely to occur and the applicable requirements.
- l. **Standard severability requirement.** All permits issued under this Subpart shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a successful challenge to any portions of the permit.
- m. **Standard fee requirement.** All permits issued under this Subpart shall include a provision to ensure that all applicable fees under this Article are paid to the Department in accordance with the requirements of this Article.
- n. **Standard alternative operating scenarios requirements.** All permits issued under this Subpart shall include terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Department. Such terms and conditions:
  - 1. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the new scenario under which it is operating, and may require the source to notify the Department at the time it implements the change; and
  - 2. Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements under this Article.

### **§2103.13 EXPIRATION, RENEWALS, REACTIVATIONS** *{Subsections b and d amended 9/15/2021, effective 9/25/2021.}*

- a. **Expiration.** Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with the requirements of this Subpart.
- b. **Renewals.**
  - 1. The owner or operator of a source permitted under this Part shall submit to the Department an application for permit renewal at least six (6) months prior to the date of permit expiration, but no earlier than 18 months prior to the date of permit expiration.
  - 2. Permits being renewed are subject to the same standards and requirements that apply to an initial permit issuance. Permits being renewed are subject to the fees required by Section 2103.40 of this Article.

- c. **Delay in Department Action.** If a timely and complete application for an Operating Permit renewal is submitted, consistent with this Subpart, but the County has failed to issue or deny the renewal permit before the end of the term of the previous permit, then:
1. The permit shall not expire until the renewal permit has been issued or denied; and
  2. All the terms and conditions of the permit shall remain in effect until the renewal permit has been issued or denied.
- d. **Existing Source Reactivations.** During the term of a permit under this Part, a permittee shall not reactivate any source under the permit that has been out of operation or production for a period of one (1) year or more unless the permittee has submitted a reactivation plan request to, and received a written reactivation plan approval from, the Department.
1. A reactivation plan request may only be submitted during the term of the applicable operating permit and must be either:
    - A. If the source is reactivated within five (5) years after deactivation, accompanied by the submission to the Department of a Reactivation Plan Request fee in the amount of 25% of the operating permit application fee required for said permit by this Part; or
    - B. If the source is reactivated more than five (5) years after deactivation, accompanied by the submission to the Department of the applicable Installation Permit application fee required by §2102.10.b of this Article; or
    - C. Submitted as part of another application for the same source under Part B or Part C of this Article.
  2. A reactivation plan may only be approved during the term of the applicable operating permit and shall describe the measures that will be taken to ensure the source will be reactivated in compliance with all applicable permit requirements.
  3. Unless submitted under subparagraph d.1.B above, the Department shall take action on any reactivation plan request within 30 days of receipt of a complete written request, with the applicable fees, unless the Department determines that additional time is necessary based on the size or complexity of the reactivated source.
  4. A reactivation plan approval shall automatically expire upon the expiration of the operating permit during the term of which such approval was issued, or ten (10) years after actual deactivation, whichever comes first.
  5. The reactivation of a source that has been deactivated for more than ten (10) years shall constitute a new source under this Article requiring the issuance of a new source Installation Permit under Part B of this Article prior to reactivation.
  6. Upon proper application, Operating Permits may be renewed for a source that is deactivated, so long as such source is in compliance with all applicable provisions of this Section. Such renewal shall not constitute authorization to reactivate.

7. All sources deactivated for more than one (1) year shall constitute new sources upon reactivation unless such source:
  - A. By no later than one (1) year following actual deactivation, submits a maintenance plan for the source to be implemented during the period of deactivation and continues to fully comply with all requirements of such plan during deactivation;
  - B. Is in compliance with all other applicable provisions of this Subsection.
8. Any reactivation plan issued for a source which has been deactivated for more than five (5) years shall require the implementation of BACT at such source prior to actual reactivation.
9. Deactivated sources as of the effective date of this Section shall comply with Subparagraph 7.A of this Subsection by no later than one (1) year after such effective date.

### **§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 and d amended September 15, 2021, effective September 25, 2021. Subsections b, c, & e amended September 16, 2022, effective September 26, 2022.}*

#### **a. Revisions Generally.**

1. **Operational Flexibility.** The owner or operator of a source permitted under this Part shall not make any changes at such source, including trades of increases and decreases in emissions within the permitted source, without first obtaining a permit revision for such changes under this Subpart, or Subpart 2 of this Part, unless:
  - A. The changes do not require an Installation Permit under Section 2102.04 of this Article or violate the terms of an Operating Permit or an Installation Permit;
  - B. The permit specifically allows for changes that do not cause specific emissions increases greater than a de minimis emission increase, and the changes do not exceed such emissions increase allowed under the permit, in accordance with Subsection e below;
  - C. The changes do not violate major source applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements; and
  - D. By no later than seven (7) days prior to the date on which the implementation of the proposed change is commenced, a written notification is submitted to the Department, for attachment to the Department's copy of the relevant permit, which includes:
    - i. A brief description of the change within the permitted source;
    - ii. The date on which the change will occur;
    - iii. The pollutants emitted; and
    - iv. Any change in emissions.
2. Applications for permit revisions need only supply the information required under §2103.11 of this Article, and §2103.21 if applicable, that is related to the proposed change.
3. Applications for permit revisions must be accompanied by the submission to the Department of the appropriate application fees.

4. Upon written request or upon its own motion, in accordance with the requirements of this Part, the Department may revise a permit previously issued to correct clerical errors.
- b. **Administrative Permit Amendment Procedures.** An administrative permit amendment may be made by the Department consistent with the following:
1. An administrative permit amendment is a permit revision that only:
    - A. Corrects typographical errors;
    - B. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
    - C. Requires more frequent monitoring or reporting by the permittee;
    - D. Allows for a change in ownership or operational control of a source where the Department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee and a compliance review form has been submitted to, and the permit transfer has been approved by, the Department; or
    - E. Except where precluded by the Clean Air Act or the regulations under the Clean Air Act, incorporates into a Part C permit the requirements from Installation Permits, provided that such Installation Permit has complied with the requirements of §2102.04 and either Subsection h thereof or §2102.05 of this Article.
  2. An administrative permit amendment may be made by the Department consistent with the following:
    - A. The Department will take no more than 60 days from receipt of a request from the owner or operator of a source for an administrative permit amendment to the Department with a copy to the EPA to take final action on the request, and may incorporate the changes without providing notice to the public or affected states except for permit revisions made under Subparagraph b.1.E above.
    - B. The Department will submit a copy of the revised permit to the Administrator of the EPA.
  3. Applications for administrative permit amendments must be accompanied by the submission to the Department of Administrative Permit Amendment application fees in the amount set by the Board of Health. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
  4. Unless precluded by the Clean Air Act or the regulations thereunder, the Department will, upon taking final action granting a request for an administrative permit amendment, allow coverage by any existing permit shield for administrative permit amendments which meet the relevant requirements of this Article.
  5. Notwithstanding the above provisions, administrative permit amendments for purposes of the acid rain portion of a permit shall be governed by regulations promulgated under title IV of the Clean Air Act.
  6. The Department will take final action on the administrative amendment and will post public notice of the final action in accordance with Paragraph 2102.03.m.2.
  7. Administrative amendments are not authorized for any amendment precluded by the Clean Air Act or the regulations thereunder from being processed as an administrative amendment.

c. **Minor Permit Modification Procedures.**

1. Sources not subject to Subpart 2 of this part may make minor permit modifications on an expedited basis under this Subsection.
2. The owner or operator of the source shall submit to the Department, on a form provided by or approved by the Department, a brief description of the change including the emissions resulting from the change, the date on which the change is to occur, the proposed language for revising the Operating Permit conditions proposed to be changed, and certification by a responsible official that the proposed modifications meet the criteria for use of 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 submit to the Department a notice 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.
4. The notice required by Paragraph 3 above 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.
5. The Department will have 21 days in the absence of receipt of public comments and 28 days if public comments are received from receipt of the application for a minor permit modification to seek additional information or to disapprove the change.
6. The source may make the change subject to subsequent review and final action by the Department, prior to such final action, but only:
  - A. After the 21st day following submission under Paragraph 2 above if the Department has received no public objection and does not otherwise object to the change; or
  - B. After the 28th day following submission under Paragraph 2 above if the Department has received a public objection within 21 days of the submission which the Department determines is not bona fide and the Department does not disapprove the proposed change or require it to be processed as an Installation Permit or significant modification.
7. Unless precluded by the Clean Air Act or the regulations thereunder, any existing permit shield shall extend to a change authorized by this Subsection.
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 post public notice of the action in accordance with Paragraph 2102.03.m.2.
9. Approval of a minor permit modification for a physical change of minor significance authorized under 25 Pa. Code §127.14(c)(1) (relating to exemptions) is also approval of the request for minor significance determination for the physical change.
10. For purposes of this Subsection, a bona fide public objection is one that provides factual or other relevant information that the change does not meet the requirements for a minor modification or that objects to the change because of its impact on air quality.

d. **Significant Modification Procedures - Requirements.**

1. The owner or operator of a stationary air contamination source or facility may make a significant modification to an applicable operating permit under this section.
2. Significant permit modifications shall meet all requirements of the applicable Subparts of this Part, including those for applications, fees, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal.
3. The owner or operator of the facility shall submit to the Department, on a form provided by or approved by the Department, a brief description of the change, the date on which the change is to occur and the proposed language for revising the operating permit conditions proposed to be changed.
4. The approval of a significant permit modification, if the entire permit has been reopened for review, shall commence a new full five (5) year permit term.
5. The Department shall take final action on all such permits within nine (9) months following receipt of a complete application.

e. **De minimis Emission Increases.**

1. The Department may allow, as a condition of an Operating Permit, de minimis emission increases from a new or existing source up to the amounts authorized in this Subsection.
2. A de minimis increase may not occur at a source if it either:
  - A. Increases the emissions of a pollutant regulated under Section 112 of the Clean Air Act (42 U.S.C.A. §7412) except as authorized in Subparagraphs 4.D. and E below;
  - B. Subjects the source to the permit requirements of Sections 2102.05, 2102.06, or 2102.07 of this Article (relating to prevention of significant deterioration of air quality and major new source and major modification review); or
  - C. Violates an applicable requirement of this Article, the state Air Pollution Control Act, the Clean Air Act, or the regulations promulgated under the Air Pollution Control Act or the Clean Air Act.
3. The permittee shall provide the Department with 7 days prior written notice of any de minimis emission increase. The notice shall identify and describe the pollutants that will be emitted as a result of the de minimis emissions increase and provide emission rates in tons/year and in terms necessary to establish compliance consistent with any applicable requirement. The Department may disapprove or condition the de minimis emission increase at any time.
4. Except as provided in Paragraph 5 below, the maximum de minimis emission rate increases, as measured in tons/year, that may be authorized in the permit during the term of the permit are:
  - A. Four tons of carbon monoxide from an emissions unit during the term of the permit and 20 tons of carbon monoxide at the source during the term of the permit;
  - B. One ton of NO<sub>x</sub> from an emissions unit during the term of the permit and 5 tons of NO<sub>x</sub> at the source during the term of the permit;
  - C. One and six-tenths tons of oxides of sulfur from an emissions unit during the term of the permit and 8.0 tons of oxides of sulfur at the source during the term of the permit;



- D. Six-tenths of a ton of PM<sub>10</sub> from an emissions unit during the term of the permit and 3.0 tons of PM<sub>10</sub> at the source during the term of the permit. This shall include emissions of a pollutant regulated under Section 112 of the Clean Air Act unless precluded by the Clean Air Act, the regulations thereunder, or this Article; and
  - E. One ton of VOC's from an emissions unit during the term of the permit and 5 tons of VOC's at the source during the term of the permit. This shall include emissions of a pollutant regulated under Section 112 of the Clean Air Act unless precluded by the Clean Air Act, the regulations thereunder, or this Article.
- 5. The Department may allow, as a condition of an operating permit, installation of the minor sources set forth under §2102.04.a.5 of this Article.
  - 6. Unless precluded by the Clean Air Act or the regulations thereunder, any existing permit shield shall extend to changes made under this Subsection.
  - 7. Emissions authorized under this Subsection shall be included in the monitoring, recordkeeping, and reporting requirements of the source.
  - 8. De minimis emission threshold levels cannot be met by offsetting emission increases with emission decreases at the same emissions unit.
  - 9. The Department will maintain a list of de minimis increases authorized by this Subsection in the permit file for the source and shall 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.

## **§2103.15 REOPENINGS, REVOCATIONS**

### **a. Reopenings for Cause.**

- 1. Each issued permit shall include the provisions under this paragraph specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and reissued under any of the following circumstances:
  - A. Requirements under the Clean Air Act become applicable to the source. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended solely due to the failure of the Department to act on a permit renewal application in a timely fashion.
  - B. The Department determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - C. The Department determines that the permit must be reissued or revoked to assure compliance with the applicable requirements.
- 2. Proceedings to reopen and reissue a permit shall follow the same procedures as would apply if the source had applied to make the necessary permit revisions, but shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

3. Reopenings under this Subsection shall not be initiated before a notice of such intent is provided to the source by the Department at least 30 days in advance of the date that the permit is to be reopened.
  - b. **Revocation notice.** If the Department revokes any permit previously issued under this Subpart, it shall so advise the applicant in writing, summarizing the reasons for the revocation.
  - c. **Revocation criteria.** The Department may, at any time, revoke an Operating Permit if it finds that:
    1. Any statement made in the permit application is not true, or that material information has not been disclosed in the application;
    2. The source is not being operated in the manner indicated by the permit;
    3. Air pollution control equipment installed at the source has not been maintained in good working condition;
    4. Any term or condition of the permit has not been complied with;
    5. Any applicable requirement of this Article has not been complied with;
    6. It has been denied lawful access to the premises or records, charts, instruments, and the like as authorized by Part I of this Article;
    7. Emissions from the source are endangering the public health, safety or welfare;
    8. Emissions from the source are preventing the attainment and maintenance of the ambient air quality standards established by this Article at any location within the Commonwealth, or such emissions are interfering with reasonable further progress toward the attainment of the NAAQS's;
    9. Three months after the EPA has determined that a source is a major source and found that, pursuant to Subsection 126(b) of the Clean Air Act, that emissions from the source are preventing the attainment or maintenance by any other state of any primary or secondary NAAQS or that such emissions are interfering with any measure required to be included in the applicable implementation plan for any other state under Part C of the Clean Air Act relating to prevention of significant deterioration of air quality or protection of visibility, except if continued operation of the source has been permitted by the EPA pursuant to Subsection 126(c) of the Clean Air Act. Nothing herein shall prevent the reissuance of an Operating Permit upon a demonstration that the conditions leading to such finding by EPA have been corrected; or
    10. Any requirement of an enforceable compliance schedule required under a permit for a non-complying source issued pursuant to this Subpart has been violated.
-

## **SUBPART 2 - ADDITIONAL REQUIREMENTS FOR MAJOR PERMITS**

### **§2103.20 APPLICABILITY, PROHIBITIONS, RECORDS**

*{Paragraph a.2 deleted and Subparagraph b.4.E amended September 6, 1995, effective October 20, 1995. Subsection a and paragraphs b.1 & 2 amended; and paragraph b.3 deleted December 12, 2000, effective January 12, 2001}*

- a. **Applicability.** Except as provided under Subsection b of this Section, this Subpart applies to all of the following in the County:
  1. Any major source, as defined under Part A of this Article;
  2. Any source, including an area source (as defined under Part A of this Article), subject to a standard, limitation, or other requirement promulgated under Section 111 of the Clean Air Act;
  3. Any source, including an area source, subject to a standard or other requirement promulgated under Section 112 of the Clean Air Act, except that a source is not required to obtain an Operating Permit under this Subpart solely because it is subject to regulations or requirements promulgated under Section 112(r) of the Clean Air Act;
  4. Any affected source, as defined under Part A of this Article;
  5. Any source in a source category so designated by the Administrator pursuant to the Clean Air Act as a Part 70 Source under 40 CFR Part 70; and
  6. Any source listed in this Subsection that is exempt under Paragraphs b.1 or b.2 of this Section from the requirement to obtain a permit but nevertheless applies for a permit under this Subpart.
- b. **Exemptions.**
  1. All sources listed in Subsection a of this Section that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to Subsection 129(e) of the Clean Air Act, unless otherwise provided under applicable requirements, are exempted from the obligation to obtain an Operating Permit under this Subpart until such time as the Administrator completes a rulemaking to determine how the program should be structured for non-major sources and the appropriateness of any permanent exemptions in addition to those provided for in 40 CFR 70.3(b)(4).
  2. In the case of non-major sources subject to a standard or other requirement promulgated by the Administrator after July 21, 1992, under either Section 111 or Section 112 of the Clean Air Act, the Administrator will determine whether to exempt the applicable sources from the requirements to obtain an Operating Permit under this Subpart at the time that the new standard is promulgated.
  3. **{Reserved}**
  4. **Synthetic Minors.** A source, other than an affected source, or an emission unit or pollutant at such source, otherwise subject to this Subpart under Subsection a above shall not be subject to this Subpart if:
    - A. A permit application for such source has been properly submitted under Subpart 1 above;
    - B. A permit is subsequently issued for such source under Subpart 1 above;
    - C. Because of enforceable conditions included in the permit application and permit above, the source is not subject to this Subpart under Subsection a above;

- D. At all times during the review of the application and the term of the permit the source is in compliance with the enforceable conditions above; and
- E. Until January 25, 1997, the source expressly certifies that it will comply with the enforceable conditions as a restriction on its potential to emit and that the enforceable conditions are enforceable by the EPA and citizens under the Clean Air Act.

## §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 September 16, 2022, effective September 26, 2022.}*

### 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.
2. Applications shall use the nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under title IV of the Clean Air Act.
3. Notwithstanding the requirements of Part B of this Article, all applications submitted under this Subpart shall include an original and four (4) copies of the application and all attachments.

### b. **Required Content.** All applications under this Subpart shall provide all of the following information sufficient for the Department to evaluate the subject source, including all activities which are exempted because of size or production rate, and to determine all major source applicable requirements, including fee amounts, on standard application forms provided by the Department:

1. All specific information that may be necessary to implement and enforce other major source applicable requirements of the Clean Air Act, federal regulations promulgated under the Clean Air Act, or this Article, or to determine the applicability of such requirements.
2. The compliance plan content requirements specified in this Subpart and Subpart 1 of this Part which shall apply to, and be included in, the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under title IV of the Clean Air Act or this Article with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.
3. Requirements for compliance certification under Paragraph 2103.11.b.9, including a statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Clean Air Act.

### c. **Public Notice of 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 posting the public notice and each draft permit in accordance with Paragraph 2102.03.m.2; 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 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 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.

d. **Proposed Final Action.**

1. Except as provided under Section 2103.01 of this Part, notwithstanding the other provisions of this Subsection, any complete permit application containing an early reduction demonstration under Paragraph 112(i)(5) of the Clean Air Act shall be acted on within nine (9) months of receipt of the complete application.
2. Unless exempted by federal regulation or a federally approved provision under this Article, the Department shall provide to the Administrator a copy of each proposed operating permit under this Subpart. As part of the submittal of the proposed permit to the Administrator, or as soon as possible after the submittal for minor permit modification procedures allowed under this Part, the Department shall notify the Administrator and any affected State in writing of any refusal by the Department to accept all recommendations for the proposed permit that the affected State submitted during the public review period. The notice shall include the Department's reasons for not accepting any such recommendation.

- e. **Resubmittal to EPA.** The Department shall resubmit to the Administrator any draft permit to which the Department receives significant comment during the public participation process 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. 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. Subsection k amended September 15, 2021, effective September 25, 2021. Subsections b & c amended September 16, 2022, effective 2022.}*

- a. **Action on application.** A permit, permit modification, or renewal shall be issued only if all of the following conditions have been met:
  1. Section 2103.12 of this Article has been complied with;
  2. All public and state and federal agency notice and participation requirements under this Part have been complied with; and
  3. The Administrator has not objected in writing to issuance of the permit within 45 days of receipt of the proposed permit and all necessary supporting information.
- 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.
- d. **County requirements.** The Department shall specifically designate as not being federally enforceable under the Clean Air Act any terms and conditions included in each permit issued under this Subpart that are not required under either the Clean Air Act or other major source applicable requirements.
- e. **Permit Shield.**
  1. Except as otherwise provided in this Article, the Department shall expressly include in a permit, upon specific written request in an application, a provision stating that compliance with the conditions of the permit shall be deemed compliance with all major source applicable requirements as of the date of permit issuance, provided that:
    - A. Such major source applicable requirements are included and are specifically identified in the permit; or

- B. The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.
- 2. A permit that does not expressly state that a permit shield exists shall not provide such a shield.
- 3. Nothing in this Subsection or in any permit shall alter or affect the following:
  - A. The provisions of Section 303 of the Clean Air Act and the provisions of this Article regarding emergency orders, including the authority of the Administrator and the Department under such provisions;
  - B. The liability of any person who owns, operates, or allows to be operated, a source in violation of any major source applicable requirements prior to or at the time of permit issuance;
  - C. The applicable requirements of the acid rain program, consistent with Subsection 408(a) of the Clean Air Act; or
  - D. The ability of EPA or the County to obtain information from a source pursuant to Section 114 of the Clean Air Act, the provisions of this Article, and State law.
- f. **Coverage.** The Department shall include in any Operating Permit issued under this Subpart all major source applicable requirements for all relevant emissions units in the major source.
- g. **Standard General Requirements.** All permits issued under this Subpart shall include the following provision: The permittee shall comply with all permit conditions at all times. Any permit noncompliance constitutes a violation of the Clean Air Act, the Air Pollution Control Act, and this Article and is grounds for any and all enforcement action, including, but not limited to, permit termination, revocation and reissuance, or modification, and denial of a permit renewal application.
- h. **Standard Emission Limit Requirements.** All permits issued under this Subpart for an affected source shall include the following provision with respect to emission limitations and standards, including those operational requirements and limitations that assure compliance with all major source applicable requirements at the time of permit issuance: Where a major source applicable requirement of the Clean Air Act is more stringent than an applicable requirement of regulations promulgated under title IV of the Act, both provisions are incorporated into the permit and are enforceable by the Administrator.
- i. **Standard Compliance Requirements.** All permits issued under this Subpart shall include all requirements for compliance certification with all terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
  - 1. A requirement that all compliance certifications be submitted to the Administrator as well as to the Department; and
  - 2. Such additional requirements as may be determined to be necessary by the Department, including any specified pursuant to Sections 114(a)(3) and 504(b) of the Clean Air Act regarding monitoring.

j. **Standard acid deposition control requirements.**

1. This Subsection describes the permit program for acid deposition control in accordance with Titles IV and V of the Clean Air Act (42 U.S.C.A. §§7641 and 7642 and 7661-7661f). The provisions of this Subsection shall be interpreted in a manner consistent with the Clean Air Act and the regulations thereunder.
2. The owner or operator or the designated representative of each affected source under section 405 of the Clean Air Act (42 U.S.C.A. § 7651d) shall submit a permit application and compliance plan for the affected source to the Department within 120 days from notice by the Department to submit an application but no later than December 29, 1995, for sulfur dioxide, and no later than December 31, 1997, for NO<sub>x</sub>, that meets the requirements of this Article, the Clean Air Act and the regulations thereunder.
3. In the case of affected sources for which an application and plan are timely received, the permit application and the compliance plan, including amendments thereto, shall be binding on the owner, operator, and the designated representative of the owner or operator and shall be enforceable as a permit for purposes of this Subsection until a permit is issued by the Department.
4. A permit issued under this Subsection shall require the source to achieve compliance as soon as possible but no later than the date required by the Clean Air Act or the regulations thereunder for the source.
5. At any time after the submission of a permit application and compliance plan, the applicant may submit a revised application and compliance plan. In considering a permit application and compliance plan under this section, the Department will coordinate with the Pennsylvania Public Utility Commission consistent with the requirements established by the EPA.
6. In addition to the other requirements of this Article, permits issued under this Subsection shall prohibit the following:
  - A. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide that the owner or operator or designated representative holds for the unit.
  - B. Exceeding applicable emission rates or standards, including ambient air quality standards.
  - C. The use of an allowance prior to the year for which it is allocated.
  - D. Contravention of other provisions of the permit.
7. Each permit issued to a source under Title IV of the Clean Air Act shall contain a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act or the regulations thereunder.
  - A. A permit revision will not be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, if the increases do not require a permit revision under another applicable requirement.
  - B. A limit will not be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with another applicable requirement.
  - C. An allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act.



k. **General Permits and Temporary Sources at Multiple Locations.**

1. Except as otherwise provided under this Subsection, the requirements for General Permits 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 §§ 127.514 & 127.515 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, an applicant for a General Operating Permit or for an Operating Permit for Sources Operating at Multiple Temporary Locations shall pay a fee in accordance with §2103.40.
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. "Title V Permit" shall mean an Operating Permit issued under this Subpart;
  - D. "Title V Facility" shall mean Major Source;
  - E. "§127.516" shall mean Subsection e above;
  - F. "Subchapter H" shall mean §2102.03.j & l of this Article; and
  - G. "Facility" shall mean Source.

l. **Standard NOx Control Requirements.**

All permits issued under this Part for an NOx affected source shall include a condition requiring compliance with section 2105.100. The NATS compliance account number and the authorized account representative shall be listed on the permit application.

**§2103.23 EXPIRATION, RENEWALS**

*{Subsection b amended September 6, 1995, effective October 20, 1995}*

- a. **Renewals.** Permits being renewed are subject to the same fees and procedural requirements, including those for public participation and affected State and EPA review, that apply to initial permit issuance.
- b. **Delay in Department Action.** If a timely and complete application for an Operating Permit renewal is submitted, consistent with this Subpart, but the Department, through no fault of the applicant, has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied and any applicable permit shield shall extend beyond the original permit term until final action on the renewal application. Failure of the Department to issue or deny a permit by the renewal date shall be an appealable action. The Court of Common Pleas may require that the Department take action on an application without further delay.

**§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 September 16, 2022, effective September 26, 2022.}*

a. **Revisions Generally.**

1. A copy of the notice required under Section 2103.14.a shall also be submitted by the owner or operator to the EPA and all affected states by the deadline set forth under Section 2103.14.a.

2. No permit shield provided for under this Article shall apply to any change made pursuant to this Section unless specifically provided for under this Section.

**b. Administrative Permit Amendment Procedures.**

1. An administrative permit amendment may be made by the Department consistent with the following:
  - A. The Department shall take no more than 60 days from receipt of a complete application for an administrative permit amendment, with the appropriate fee, to take final action on such application, and may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this subparagraph b.1.A of this Section.
  - B. The Department shall submit a copy of the revised permit to the Administrator.
2. The Department may, upon taking final action granting a request for an administrative permit amendment qualifying under subparagraph b.1.E of Section 2103.14 of this Article, expressly include coverage by the applicable permit shield for such administrative permit amendment.

**c. Minor Permit Modification Procedures**

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

1. The owner or operator of the source shall submit to the Department, on a form provided by or approved by the Department, the following information:
  - A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - B. The source's suggested draft permit;
  - C. Certification by a responsible official, consistent with §2102.01, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used;
  - D. Adequate information for the Department to use to notify the Administrator and affected States as required.
  - E. All other information required by §2103.11 and §2103.21.
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 submit to the Department a notice 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 the posting of the notice.

3. The Department will have 21 days in the absence of receipt of public comments and 28 days if public comments are received from receipt of the application for a minor permit modification to seek additional information or to disapprove the change. The source may make the change proposed in its minor permit modification application subject to subsequent review and final action by the Department and the EPA, prior to such final action, but only:
  - A. After the 21st day following submission under Paragraph 1 above if the Department has received no public objection and does not otherwise object to the change; or
  - B. After the 28th day following submission under Paragraph 1 above if the Department has received a public objection within 21 days of the submission which the Department determines is not bona fide and the Department does not disapprove the proposed change or require it to be processed as an Installation Permit or significant modification.

After the source makes this allowed change, and until the Department takes any of the actions specified in subparagraphs 4.A through 4.C of this section, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

4. The Department will not issue a final permit modification until after EPA's 45-day review period or until EPA has notified the Department that EPA will not object to issuance of the permit modification, whichever is first, although the Department can approve the permit modification prior to that time. Within 60 days of the Department's receipt of an application under these minor permit modification procedures or 15 days after the end of the Administrator's 45-day review period, whichever is later, the Department shall:
  - A. Issue the permit modification as proposed;
  - B. Deny the permit application;
  - C. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures, §2103.14.d; or
  - D. Revise the draft permit modification and transmit to the EPA the new proposed permit modification.
5. The Department shall issue no permit if the EPA objects to its issuance in writing within 45 days of their receipt of the proposed permit and all necessary supporting information.
6. Any existing permit shield shall not extend to a change authorized by this Subsection.
7. The Department, after taking final action, will 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.
8. Approval of a minor permit modification for a physical change of minor significance authorized under 25 Pa. Code §127.14(c)(1) (relating to exemptions) is also approval of the request for minor significance determination for the physical change.

9. For purposes of this Subsection, a bona fide public objection is one that provides factual or other relevant information that the change does not meet the requirements for a minor modification or that objects to the change because of its impact on air quality.

## **§2103.25 REOPENINGS, REVOCATIONS**

- a. **Reopenings for Cause.** Each issued permit shall include the provisions under this paragraph specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and reissued under any of the following circumstances:
1. Additional requirements under the Clean Air Act become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than 18 months after promulgation of the major source applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended solely due to the failure of the Department to act on a permit renewal application in a timely fashion.
  2. Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
  3. The Department or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  4. The Administrator or the Department determines that the permit must be reissued or revoked to assure compliance with the major source applicable requirements.
- b. **Reopenings for Cause by EPA.**
1. Within 90 days after receipt of a written notification from the Administrator, also issued to the source, that the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to this Section, the Department shall forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Department may request that the Administrator extend this 90-day period for an additional 90 days if a new or revised permit application is necessary or the Department must require the permittee to submit additional information.
  2. Following EPA review of the Department's determination pursuant to paragraph 1 of this Subsection, and within 90 days of receipt of any EPA objection to such determination, the Department shall resolve any objection that EPA makes and proceed to terminate, modify, or revoke and reissue the permit in accordance with the Administrator's objection.

### SUBPART 3 - ADDITIONAL REQUIREMENTS GENERALLY

#### **§2103.30 WASTE-DERIVED LIQUID FUEL**

*{Subsection b amended October 26, 2022, effective November 5, 2022.}*

- a. **Operating Permits.** The applications for and issuance of Operating Permits that expressly permit the burning of Waste-Derived Liquid Fuel as provided by this Article shall also be governed by the applicable requirements and standards of this Part except as otherwise specified by this Section.
- b. In addition to the other requirements of this Part, an application for an Operating Permit under this Section shall include:
  - 1. A report of the results of the analysis of a representative sample of the fuel collected and analyzed in accordance with Part G of this Article; and
  - 2. A report of the results of the direct emission reduction test in accordance with Part G of this Article.
- c. **Annual Operating Permit Application/Administration Fee and Additional Annual Fees.** On the date that an application for an Operating Permit is submitted under this Subpart, and on or before the last day of the month in which such application was submitted in each year thereafter, while such application is being reviewed and then during the term of any permit subsequently issued, the owner or operator of such source shall submit to the Department, in addition to all applicable emission fees, all applicable administration fees in amounts determined under, and in accordance with, the requirements of Subpart 4 of this Part.

#### **§2103.31 ALTERNATIVE EMISSION REDUCTION PLANS**

- a. **Purpose.** The emission standards and source standards established by this Article set forth a County-wide emission reduction plan to achieve the purposes of this Article. As applied to any particular source or group of sources, more cost-effective means may be available to achieve such purposes.
- b. The County desires to maximize cost-effectiveness and innovation in its air pollution control program. It is therefore the purpose of this Section to establish a mechanism whereby source owners and operators can develop alternative emission reduction plans which best suit their particular circumstances. If such alternative meets the requirements of this Section, that alternative may be substituted for the emission standards and source standards otherwise required by this Article.
- c. **Procedures.** In accordance with the applicable procedures under this Part, the owner or operator of any source subject to this Article may apply to the Department for approval of an alternative emission reduction plan for existing sources. The Department shall review such application and may issue or reissue the applicable permit to reflect the alternative emission reduction plan. In its review, the Department shall consider, among other relevant factors, the EPA's Emissions Trading Policy Statement published at 51 Federal Register 43814 (December 4, 1986), and those policies and purposes set forth in this Article.
- d. **Application for Approval.** Upon the proposed approval by the Department of any alternative emission reduction plan pursuant to this Section, the Department shall submit such proposal as a proposed revision to the SIP. Such proposed approval shall not become final until approved by the EPA.
- e. Persons seeking approval of an alternative emission reduction plan are urged to contact the Department early in the development stage, so that appropriate methodologies for any necessary air quality or other demonstrations are identified.

- f. An application for approval shall be in writing and shall set forth all information needed by the Department to review the alternative emission reduction plan. In addition, the applicant shall submit such additional information as is requested by the Department to evaluate the plan. The Department may prepare forms required to be used for these purposes.
  - g. The application shall be accompanied by the payment of the application fee calculated pursuant to Subsection h of this Section. In addition, the application shall bear the cost of such tests, studies, out-of-County travel by Department staff and the like as are necessary for evaluation of the plan, together with the cost of providing public notice and stenographic transcripts of any public hearings held with respect to the plan and, upon request by the Department, shall obtain facilities for such public hearings. Any significant additional costs shall be discussed with the applicant before obligating any funds and shall be paid prior to the final consideration by this Department of any proposed permit pursuant to this Section.
  - h. The application fee shall be in the amount of 150% of the sum of all the annual Operating Permit application/permit administration fees for each source affected by the proposed alternative emission reduction plan pursuant to Subpart 4 of this Part. Such fee shall be payable to the Allegheny County Air Pollution Control Fund.
  - i. **Effect.** Upon final issuance of an Operating Permit pursuant to this Section, the sources affected shall thereafter comply with such permit pursuant to the compliance schedule contained therein and shall be relieved of the duty to comply with those provisions of this Article which are specifically superseded by such permit.
  - j. **Violations.** The failure to comply with any provision of any alternative emission reduction plan approved pursuant to this Section shall be a violation of this Article giving rise to the remedies set forth in §2109.02 of this Article.
-

## **SUBPART 4 - OPERATING PERMIT FEES AND EMISSION FEES**

### **§2103.40 OPERATING PERMIT FEES**

*{Paragraph b amended August 12, 1999, effective September 1, 1999. Paragraph b revised and paragraph g added by July 16, 2009 amendment, effective July 26, 2009. Subsections a, d, i, and j amended and new subsections b, c, e, f, g, and h added September 15, 2021, effective September 25, 2021.}*

#### **a. Operating Permit Application Fees.**

1. On the date that an application for an Operating Permit is submitted under this Part, including applications for renewals, revisions, transfers, administrative amendments, and modifications, the owner or operator of such source shall submit to the Department, in addition to any other applicable administration and emissions fees, an application fee in the amount set by the Board of Health.
2. **Major Source Hazardous Air Pollutant Permit Application Fee.** On the date that an application for an operating permit for a major source with the potential to emit any hazardous air pollutant is submitted under this Part, including applications for renewals, revisions, transfers, administrative amendments, and modifications, the owner or operator of such source shall submit to the Department, in addition to all other applicable administration and emission fees, a Hazardous Air Pollutant Permit Application Fee in the amount of 50% of the amount of the operating permit application fee required for said permit by this Part.
3. **Acid Rain Deposition Control Permit Application Fee.** On the date that an application, or portion of an application, for the acid rain deposition control portion of an operating permit for affected sources is submitted under this Part, including applications for renewals, revisions, transfers, administrative amendments, and modifications, the owner or operator of such source shall submit to the Department, in addition to all other applicable administration and emission fees, an Acid Rain Deposition Control Permit Application Fee in the amount of 50% of the amount of the operating permit application fee required for said permit by this Part.
4. **Operating Permit Application Non-Compliance Fee.** On the date that an application for an Operating Permit is submitted under this Part, including applications for renewals, revisions, transfers, amendments, and modifications, involving a source of which any part is not in full compliance with this Article, the owner or operator of such source shall submit to the Department, in addition to all other applicable administration and emission fees, an Operating Permit Application Non-Compliance Fee in the amount of 50% of the total amount of the operating permit application fee and any acid rain deposition control and hazardous air pollutant permit application fees required for said permit by this Part. No portion of this fee is refundable upon achieving compliance.

- b. **Annual Operating Permit Administration Fee.** In addition to any other applicable administration and emissions fees, an owner or operator of a source that has submitted an application for an operating permit under this Part shall pay an annual operating permit administration fee in the amount set by the Board of Health for applications filed through calendar year 2020. While such application is being reviewed and then during the term of any permit subsequently issued, the owner or operator shall pay the fee on or before the last day of the month in which such submission is made in each year thereafter through calendar year 2020.
- c. **Annual Operating Permit Maintenance Fee.** Beginning for calendar year 2021, an owner or operator of a source that has submitted an application for an operating permit under this Part shall pay an annual operating permit maintenance fee in the amount set by the Board of Health. For calendar year 2021, the annual operating permit maintenance fee is due on or before 60 days after the effective date of this subsection. For subsequent years, the annual operating permit maintenance fee is due on or before

December 31 of each year for the next calendar year. The owner or operator shall pay the fee while such application is being reviewed and then during the term of any permit subsequently issued.

- d. **Amount of Fees.** A schedule of the amounts of the operating permit application fees, annual operating permit administration fee, and annual operating permit maintenance fee required by this Section shall be set by the Board of Health. Consideration shall be given to the degree of technical and regulatory difficulty in establishing fees for minor, synthetic minor and major sources.
- e. The owner or operator of a source that submits an application for a Plantwide Applicability Limit (PAL) permit under 25 Pa. Code § 127.218(b) (relating to PALs), to cease a PAL permit under 25 Pa. Code § 127.218(j) or to increase a PAL under 25 Pa. Code § 127.218(l) shall pay a fee in the amount set by the Board of Health.
- f. The owner or operator of a source proposing a PAL under §2102.07, "Prevention of Significant Deterioration," that is not included in an application submitted under Subsection e, above, shall pay a fee in the amount set by the Board of Health.
- g. **Request for Determination.** The owner or operator of a source subject to this Section that submits a request for determination under §2102.04.a.5 (relating to exemptions) for an operating permit, an installation permit, or for both an operating permit and an installation permit, shall pay a fee in the amount set by the Board of Health. The Board of Health shall set a reduced fee for an owner or operator of a source that meets the definition of small business stationary source set forth in Section 3 of the Air Pollution Control Act (35 P.S. §4003).
- h. **Fees for General Operating Permits and for Operating Permits for Sources Operating at Multiple Temporary Locations under §2103.22.k.**  
The Department may establish application fees for the use of General Operating Permits for stationary sources or Sources Operating at Multiple Temporary Locations (portable sources) for both major and non-major sources. These application fees will be established and published when the General Operating Permit is issued or modified by the Department.
- i. **Payment of Fees.** The payment of the required fees under Paragraphs a, b, c, e and f of this Section and under §2103.13.d.1.A for a source that requires a major operating permit shall be made by check or money order payable to the "Allegheny County Air Quality Fund." The payment of all other required fees under this Section shall be made by check or money order payable to the "Allegheny County Air Pollution Control Fund."
- j. **Approval of Fees.** Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.



## **§2103.41 EMISSIONS FEES**

*{Subsections a & c & Paragraph b.2 amended, and Paragraph b.1 added September 6, 1995, effective October 20, 1995; Subsections a & b amended May 7, 1998, effective May 15, 1998. Subsections a & b amended, and Subsection c deleted November 13, 2014, effective January 1, 2015. Subsection b amended September 15, 2021, effective September 25, 2021.}*

### **a. Annual Major Source Emissions Fee Requirements.**

1. The owner or operator of a source that requires a major Operating Permit pursuant to §2103.20 of this Article shall pay an Annual Major Source Emission Fee in the amount per ton set by the Department of Environmental Protection (DEP) under the regulations implementing the Air Pollution Control Act at 25 Pa. Code §127.705.a for each ton of a regulated pollutant actually emitted from the source. Provided, however, that the owner or operator shall not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the source.
2. As used in this Section, the term “regulated pollutant” means a VOC; each pollutant regulated under sections 111 and 112 of the Clean Air Act (42 U.S.C.A. Secs. 7411 and 7412); and each pollutant for which a National Ambient Air Quality Standard has been promulgated, except that carbon monoxide shall be excluded from this reference.

- b. **Annual Emissions Fee Deadline.** In addition to any other administration or maintenance fees required under this Article, the owners or operators of all sources subject to Subpart 2 of this Part shall pay annual emissions fees as set forth under Subsection (a) above for the previous calendar year actual emissions. All such fees shall be paid into the "Allegheny County Air Quality Fund" for the major operating permit program as set forth under this Article. All such fees shall be paid by no later than September 1 of each year.

---

## **SUBPART 5 - ACID DEPOSITION CONTROL**

## **§2103.50 APPLICABILITY, INCORPORATION BY REFERENCE**

- a. **Applicability.** This Subpart of this Article applies to any and all affected units and sources, as defined under §2101.20 of this Article, in the County.
- b. **Incorporation by Reference.** The federal acid deposition control regulations promulgated by the EPA under Title IV of the Clean Air Act at 40 CFR Parts 72 through 78, inclusive, are hereby incorporated by reference into this Article. Additions, revisions, or deletions to such regulations by the EPA are incorporated into this Article and are effective on the date established by the Federal regulations, unless otherwise established by regulation under this Article.

**{THIS PAGE INTENTIONALLY LEFT BLANK}**

## PART D - POLLUTANT EMISSION STANDARDS

### §2104.01 VISIBLE EMISSIONS

*{Subsection d amended October 26, 2022, effective November 5, 2022.}*

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

4. Any alternative standard(s) established pursuant to this Subsection shall be proposed as an amendment to this Article. Upon the adoption of any such amendment, the affected source shall thereafter comply with the alternative standard(s) so established and shall be relieved of the duty to comply with the provisions of Subsection a above with respect to fugitive emissions. The Department shall submit any such amendment as a proposed revision to Allegheny County's portion of the SIP.
  5. The failure to comply with any provision of an amendment adopted pursuant to this Subsection shall be a violation of this Article giving rise to the remedies set forth in §2109.02 of this Article.
- d. **Measurements.** Measurements of visible emissions shall be performed according to the procedures established by Part G of this Article.
  - e. **Enforcement.** Notwithstanding any other provision of this Article the prohibitions of Subsection a of this Section may be enforced against the owner or operator of any source at a single family residence or multiple-dwelling unit of no more than two dwelling units by any municipal or local government unit having jurisdiction over the place where the visible emissions occur. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

## §2104.02 PARTICULATE MASS EMISSIONS

*{Effective February 1, 1994, as §2104.6; renumbered and amended effective October 20, 1995. Subsections 2104.02.a, e, g, and h amended effective August 15, 1997. Subsection f amended March 13, 2008, effective April 15, 2008. Subsection i amended October 26, 2022, effective November 5, 2022.}*

- a. **Fuel-Burning or Combustion Equipment.** No person shall operate, or allow to be operated, any fuel-burning or combustion equipment, where the actual heat input to such equipment is greater than 0.50 million BTUs per hour, in such manner that emissions of particulate matter exceed the following rates at any time:
  1. Where natural gas, grade number 2 fuel oil, coke oven gas, or blast furnace gas is used:

### MAXIMUM ALLOWABLE POUNDS PER MILLION BTUs OF ACTUAL HEAT INPUT

		<u>Type of Fuel-Burning or Combustion Equipment</u>		
		Combustion <u>Turbines</u>	Reciprocating Combustion <u>Engines</u>	All Other <u>Equipment</u>
A.	<u>Type Of Fuel Being Burned Or Combusted</u> Natural Gas	0.015	0.012	0.008
B.	Grade Number 2 Fuel Oil	0.04	0.28	0.015
C.	Coke Oven Gas	*	*	0.02
D.	Blast Furnace Gas	*	*	0.05

(\* see Paragraph a.2. below)

2. Where a single fuel is used other than as provided for in Paragraph a.1. above:
  - A. Where the actual heat input to such equipment is greater than 0.50 million BTUs per hour but less than 50 million BTUs per hour, the rate of 0.40 pounds per million BTUs of actual heat input;
  - B. Where the actual heat input to such equipment is equal to or greater than 50 million BTUs per hour, but less than 850 million BTUs per hour, the rate determined by the formula:
 
$$A = 3.5E^{-0.56}$$
 where A = allowable emissions in pounds per million BTU of actual heat input, and  
 E = actual heat input to such equipment in millions of BTU's per hour; or,
  - C. Where the actual heat input to such equipment is equal to or greater than 850 million BTUs per hour, the rate of 0.080 pounds per million BTUs of actual heat input;
3. Where the equipment is fired with two (2) or more types of fuel, the rate determined by the formula:
 
$$A = \sum x_i a_i$$
 where A = allowable emissions in pounds per million BTUs of actual heat input,  
 i = fuel type (i.e. natural gas, Grade Number 2 fuel oil, Grade Number 6 fuel oil, coke oven gas, blast furnace gas, or other),  
 x<sub>i</sub> = fraction of total actual heat input in BTUs provided by fuel type i, and  
 a<sub>i</sub> = allowable emissions in pounds per million BTUs of actual heat input for fuel type i from Paragraphs a.1. or a.2. above; or
4. Notwithstanding the provisions of Paragraphs a.1, a.2, and a.3 of this Section, and except as provided for in Paragraph a.5 of this Section, and except for fuel emergencies of limited duration with prior Department approval, no person shall operate, or allow to be operated, any of the following specific fuel-burning or combustion equipment in such manner that emissions of particulate matter exceed the following rates at any time, regardless of the type of fuel used:

SPECIFIC FUEL-BURNING OR COMBUSTION EQUIPMENT		MAXIMUM ALLOWABLE POUNDS PER MILLION BTUs OF ACTUAL <u>HEAT INPUT</u>
Source Name	Location	
A. Coke Works Boiler #1	USX Corp. Clairton, PA	0.02
B. #13 Benzene Boiler	USX Corp. Clairton, PA	0.02
C. #14 Benzene Boiler	USX Corp. Clairton, PA	0.02
D. R-1 (Benzene) Steam Boiler	USX Corp. Clairton, PA	0.02
E. R-2 (Benzene) Steam Boiler	USX Corp. Clairton, PA	0.02
F. T1 (Benzene) Boiler	USX Corp. Clairton, PA	0.02
G. T2 (Benzene) Boiler	USX Corp. Clairton, PA	0.02
H. Riley Boilers (each)	LTV Steel Co., Pgh, PA	0.02
I. Keeler Boilers (each)	LTV Steel Co., Pgh, PA	0.02

5. Notwithstanding the provisions of Paragraphs a.1, a.2, and a.3, and as an alternative to Paragraph a.4 of this Section and except for fuel emergencies of limited duration with prior Department approval, no person shall operate, or allow to be operated, any of the following specific fuel-burning or combustion equipment in such manner, or at any time, that emissions from such equipment, or any other of the following equipment, exceed the following rates at any time for the pollutant indicated, regardless of the type of fuel used:

SPECIFIC FUEL-BURNING OR COMBUSTION EQUIPMENT		MAXIMUM ALLOWABLE POUNDS PER MILLION BTUs OF ACTUAL HEAT INPUT
<u>Source Name</u>	<u>Location</u>	
A. #13 Benzene Boiler	USX Corp. Clairton, PA	0.00 * particulate matter
B. #14 Benzene Boiler	USX Corp. Clairton, PA	0.00 * particulate matter
C. T1 (Benzene) Boiler	USX Corp. Clairton, PA	0.120 PM-10
D. T2 (Benzene) Boiler	USX Corp. Clairton, PA	0.120 PM-10
E. Coke Works Boiler #2	USX Corp. Clairton, PA	0.02 particulate matter
F. Coke Works Boiler #1	USX Corp. Clairton, PA	0.02 particulate matter
* 0.00 maximum indicates that these boilers shall not be operating		

**Aggregation.** For purpose of this Subsection a only, if one or more fuel-burning or combustion emissions units are vented into a common flue, such emissions units shall be considered one emissions unit and allowable emissions shall be determined on the basis of total heat input to all emissions units vented to such common flue.

For any emissions unit that burns or combusts coal, that is subject to Paragraph a.3. of this Section, that is not located in a nonattainment area of the County for PM-10, that has a rated heat input greater than 50 million BTUs per hour, and that would comply with the emission standards under Paragraph a.2. of this Section notwithstanding the firing of the emissions unit with other fuel in addition to the coal, the Department may, upon written application from the person responsible for such emissions unit, determine compliance with this Subsection on the basis of the emission standards under Paragraph a.2. of this Section, notwithstanding the firing of the emissions unit with other fuel in addition to the coal, provided that the applicant demonstrates to the Department's satisfaction that such allowed emissions will not cause a significant air quality impact on any nonattainment area of the County for PM-10. Such determination of the Department shall not be effective until it is either approved by the EPA or included in a federally enforceable permit or order, whichever is first.

- b. **Processes - General.** No person shall operate, or allow to be operated, any process except those processes listed in Subsection c d, e, f, g, or h below and those processes for which a source standard is established under Part E of this Article in such manner that emissions of particulate matter from such process exceed seven (7) pounds in any 60 minute period or 100 pounds in any 24-hour period, except that no person subject to the requirements of this Subsection b shall be required to reduce emissions to a greater degree than 99 percent.

This Subsection shall apply to the sum of all stack emissions from such process including all emissions from any air pollution control device outlet(s) associated with such process. All fugitive emissions from such process shall be included in the sum of all stack emissions for purposes of this Subsection unless the stack emissions can be accurately measured and all fugitive emissions do not exceed the standards established by §2104.01 of this Article or any alternative standard(s) established for such source pursuant to §2104.01 of this Article.

- c. **Specific Processes.** No person shall operate, or allow to be operated, any process listed below, other than those subject to Subsection d, e, f, g, or h of this Section, in such manner that emissions of particulate matter from such process exceed at any time the rate determined by the formula set forth below.

This Subsection shall apply to the sum of all stack emissions from such process including all emissions from any air pollution control device outlet(s) associated with such process. All fugitive emissions from such process shall be included in the sum of all stack emissions for purposes of this Subsection unless the stack emissions can be accurately measured and all fugitive emissions do not exceed the standards established by §2104.01 of this Article or any alternative standard(s) established for such source pursuant to §2104.01 of this Article.

$$A = 0.76E^{+0.42} \quad \text{where} \quad \begin{array}{l} A = \text{allowable emissions in pounds per hour, and} \\ E = \text{emission index of (F) x (W) pounds per hour,} \end{array}$$

where  $F$  = process factor in pounds per unit as listed below, and  
 $W$  = production or charging rate in units per hour, and  
The units for  $F$  and  $W$  shall be compatible.

1. Carbon black manufacturing:  $F = 500$  pounds per ton of product.
2. Charcoal manufacturing:  $F = 400$  pounds per ton of product.
3. Crushing, grinding or screening:  $F = 20$  pounds per ton of feed.
4. Paint manufacturing:  $F = 0.050$  pounds per ton of pigment handled.
5. Phosphoric acid manufacturing:  $F = 6$  pounds per ton of phosphorous burned.
6. Detergent drying:  $F = 30$  pounds per ton of product.
7. Ammonium nitrate manufacturing prilling tower or other granulator:  $F = 0.10$  pounds per ton of product.
8. Ferroalloy production furnace:  $F = 0.30$  pounds per ton of product.
9. Primary iron and/or steel making
  - A. Iron production:  $F = 100$  pounds per ton of product.
  - B. Steel production:  $F = 40$  pounds per ton of product.
  - C. Scarfing:  $F = 20$  pounds per ton of product.
10. Primary lead production
  - A. Roasting:  $F = 0.0040$  pounds per ton of ore feed.
  - B. Lead reduction:  $F = 0.50$  pounds per ton of product.
11. Primary zinc production
  - A. Roasting:  $F = 3$  pounds per ton of ore feed.
  - B. Zinc reduction:  $F = 10$  pounds per ton of product.
12. Secondary aluminum production
  - A. Sweating:  $F = 50$  pounds per ton of aluminum product.
  - B. Melting and refining:  $F = 10$  pounds per ton of aluminum feed.
13. Brass and bronze production melting and refining:  $F = 20$  pounds per ton of product.
14. Iron foundry
  - A. Melting
    - i. Cupola:  $F = 50$  pounds per ton of iron.
    - ii. Reverberatory furnace:  $F = 2$  pounds per ton of iron.
    - iii. Electric Induction furnace:  $F = 1.50$  pounds per ton of iron.
  - B. Shake-out:  $F = 20$  pounds per ton of sand.
  - C. Sand Handling:  $F = 20$  pounds per ton of sand.
15. Secondary lead melting:  $F = 0.50$  pounds per ton of product.
16. Secondary magnesium melting:  $F = 0.20$  pounds per ton of product.
17. Secondary zinc melting
  - A. Sweating:  $F = 0.010$  pounds per ton of product.
  - B. Refining:  $F = 0.30$  pounds per ton of product.
18. Asphaltic concrete production:  $F = 6$  pounds per ton of aggregate feed.

19. Asphalt roofing manufacturing felt saturation: F= 0.60 pounds per ton of asphalt used.
20. Portland cement manufacturing
  - A. Clinker production: F= 150 pounds per ton of dry solids feed.
  - B. Clinker cooling: F= 50 pounds per ton of product.
21. Coal drying: F= 2 pounds per ton of product.
22. Coal dry cleaning: F= 2 pounds per ton of product.
23. Lime calcining: F= 200 pounds per ton of product.
24. Glass Production Furnace: F= 50 pounds per ton of fill.

- d. **Specific Process Sources.** No person shall operate, or allow to be operated, any process listed below in such manner that emissions of PM-10 from such process exceed at any time the applicable rate set forth below.

This Subsection shall apply to the sum of all stack emissions from such process including all emissions from any air pollution control device outlet(s) associated with such process. All fugitive emissions from such process shall be included in the sum of all stack emissions for purposes of this Subsection unless the stack emissions can be accurately measured and all fugitive emissions do not exceed the standards established by §2104.01 of this Article or any alternative standard(s) established for such source pursuant to §2104.01 of this Article.

SPECIFIC PROCESS SOURCE		MAXIMUM ALLOWABLE	
<u>Source Name</u>	<u>Location</u>	<u>Permit Number</u>	<u>EMISSION RATE</u>
1. Anneal. Fce Bases 801-856 each	USX Co. W. Mifflin PA	{to be assigned}	0.011 lbs /ton of steel
2. Primary Flash Reboiler	Aristech, Clairton, PA	7035775-001-25703	0.07 lbs /hour
3. Secondary Flash Reboiler	Aristech, Clairton, PA	7035775-001-25703	0.07 lbs /hour
4. 2T3 Heater Reboiler	Aristech, Clairton, PA	7035775-001-25703	0.04 lbs /hour
5. 2T4 Heater Reboiler	Aristech, Clairton, PA	7035775-001-25703	0.03 lbs /hour
6. 1T2 Heater Reboiler	Aristech, Clairton, PA	7035775-001-25703	0.05 lbs /hour
7. 1T4 Heater	Aristech, Clairton, PA	7035775-001-25703	0.01 lbs /hour
8. Hot Oil Heater	Aristech, Clairton, PA	7035775-001-25703	0.02 lbs /hour
9. 2T1 Heater Reboiler	Aristech, Clairton, PA	7035775-001-25703	0.02 lbs /hour
10. #1 Primary Reboiler	Aristech, Clairton, PA	7035775-001-25703	0.07 lbs /hour
11. Naphthalene Hot Oil Heater	Aristech, Clairton, PA	7035775-001-25703	0.27 lbs /hour
12. Naphthalene Reactor Heater	Aristech, Clairton, PA	7035775-001-25703	0.05 lbs /hour

- e. **Specific Controlled Process Sources.** On and after December, 1, 1994, no person shall operate, or allow to be operated, any process listed below unless there is installed on such process an emission control device, nor shall any person operate, or allow to be operated, any process listed below in such manner that emissions of PM-10 from such process exceed at any time the applicable rate set forth below for a volume source for ambient air quality impact dispersion modeling purposes, or if the required emission control device results in the process becoming a point source for ambient air quality impact dispersion modeling purposes, a rate which results in no more adverse ambient air quality impact than the applicable rate set forth below for a volume source.

This Subsection shall apply to the sum of all stack emissions from such process including all emissions from any air pollution control device outlet(s) associated with such process. All fugitive emissions from such process shall be included in the sum of all stack emissions for purposes of this Subsection unless the stack emissions can be accurately measured and all fugitive emissions do not exceed the standards



established by §2104.01 of this Article or any alternative standard(s) established for such source pursuant to §2104.01 of this Article.

SPECIFIC PROCESS SOURCE		VOLUME SOURCE MAXIMUM ALLOWABLE EMISSION RATE
Source Name	Location	
1. #1 Primary Coal Pulverizer	USX Corp. Clairton, PA	5.17 grains/ton of coal
2. #1 Second. Coal Pulverizer	USX Corp. Clairton, PA	11.86 grains/ton of coal
3. #2 Primary Coal Pulverizer	USX Corp. Clairton, PA	8.26 grains/ton of coal
4. #2 Second. Coal Pulverizer	USX Corp. Clairton, PA	11.02 grains/ton of coal

No later than December 31, 1996 USX shall install a direct feed chute and distribution plough at the #2 secondary pulverizer, enclose all coal feed chutes, and install on 1A to 1B belts deflector plates, hoppers, and chutes. On and after December 31, 1996, USX shall use dust suppressant (e.g. chemical, oil, or water suppressant to minimize emissions) on coal prior to entry into any pulverizer.

- f. No person shall operate, or allow to be operated, the Coke Screening #3 process at the USX Corporation facility in Clairton, PA, {permit number to be assigned}, unless there is installed on such process an emission control device, nor shall any person operate, or allow to be operated such process in such manner that emissions of PM-10 from such process exceed 1.26 pounds per hour at any time.

This Subsection shall apply to the sum of all stack emissions from such process including all emissions from any air pollution control device outlet(s) associated with such process. All fugitive emissions from such process shall be included in the sum of all stack emissions for purposes of this Subsection unless the stack emissions can be accurately measured and all fugitive emissions do not exceed the standards established by §2104.01 of this Article or any alternative standard(s) established for such source pursuant to §2104.01 of this Article.

- g. No person shall operate, or allow to be operated, either the Coke Screening #1 or Coke Screening #2 process at the USX Corporation facility in Clairton, PA, unless such process, at a minimum, is located and maintained within the enclosure in existence as of February 1, 1994.
- h. No person shall operate, or allow to be operated, any of the Water Cooling Tower processes at the USX Corporation facility in Clairton, PA, unless the water used for such cooling is equivalent to, or better than, the water quality standards established for the Monongahela River by regulations promulgated by the DEP under the Pennsylvania Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. 691.1 et seq., except that water from the Monongahela River may be used for such cooling.

No person shall operate, or allow to be operated, the Keystone cooling tower at the USX Corporation facility at Clairton, PA unless there is installed a mist eliminator.

- i. **Measurements.** Measurements of particulate mass emissions shall be performed according to the applicable procedures established by Part G of this Article. Measurements of water quality shall be performed according to procedures established or approved by the Commonwealth.

**§2104.03 SULFUR OXIDE EMISSIONS** {Subsections a, c & d modified July 10, 2003. Subsection e amended October 26, 2022, effective November 5, 2022.}

- a. **Fuel-Burning or Combustion Equipment.** No person shall operate, or allow to be operated, any fuel-burning or combustion equipment in such manner that emissions of sulfur oxides, expressed as sulfur dioxide, exceed the following rates at any time:
1. For equipment fired only with natural gas and/or liquefied petroleum gas, a rate no greater than the potential to emit;
  2. For all other equipment:
    - A. Where the actual heat input to such equipment is greater than 0.50 million BTUs per hour but less than 50 million BTUs per hour, the rate of 1.0 pound per million BTU of actual heat input;
    - B. Where the actual heat input to such equipment is equal to or greater than 50 million BTUs per hour, but less than 2000 million BTUs per hour, the rate determined by the formula:
$$A = 1.7E^{-0.14}$$
where A = allowable emissions in pounds per million BTUs of actual heat input, and,  
E = actual heat input in millions of BTUs per hour;
    - C. Where the actual heat input to such equipment is equal to or greater than 2000 million BTUs per hour, but less than 5000 million BTUs per hour, the rate of 0.60 pounds per million BTUs of actual heat input; or,
    - D. Where the rated heat input to existing fuel-burning or combustion equipment is equal to or greater than 5000 million BTUs per hour, the rate of 2.80 pounds per million BTUs of actual heat input.
- b. **Aggregation.**
1. For purpose of Subsection a above only, if one or more fuel-burning or combustion emissions units are vented into a common flue, such emissions units shall be considered one emissions unit and allowable emissions shall be determined on the basis of total heat input to all emissions units vented to such common flue.
  2. For any single boiler house having two or more boilers with a combined rated heat input no greater than 50 million BTUs per hour, whose combined emissions would comply with the emission standards of this Section if they were vented into a common flue, the Department may, upon written application from the person responsible for such boiler house, determine compliance with this Section on the basis of the total emissions from and total heat input to all such boilers, provided that the applicant demonstrates that such actions will not prevent the attainment or maintenance of any ambient air quality standard established by §2101.10 of this Article or interfere with reasonable further progress toward the attainment of the NAAQS's.
- c. **Processes.** No person shall operate, or allow to be operated, any process, except for miscellaneous sulfur-emitting processes for which there is an emissions standard under Part E of this Article, in such manner that the concentration of sulfur oxides, expressed as sulfur dioxide, in the effluent gas exceeds the lesser of the potential to emit or 500 ppm (dry volumetric basis) at any time.
- d. **Incinerators.** No person shall operate, or allow to be operated, any incinerator in such manner that the concentration of sulfur oxides, expressed as sulfur dioxide, in the effluent gas exceeds the lesser of the

potential to emit or 500 ppm (dry volumetric basis) at any time.

- e. **Measurements.** Measurements of sulfur oxide emissions shall be performed according to the applicable procedures established by Part G of this Article.

#### **§2104.04 ODOR EMISSIONS**

*{Subsection c amended October 26, 2022, effective November 5, 2022.}*

- a. **General.** No person shall operate, or allow to be operated, any source in such manner that emissions of malodorous matter from such source are perceptible beyond the property line of such source.
- b. **Specific Sources.** No person shall operate, or allow to be operated, any source listed below unless there is installed and in operation on such source an incinerator with a residence time of at least 0.50 seconds at a temperature of at least 1,400°F for putrescible and non-chemical materials or a temperature of at least 250°F above the auto-ignition temperature of any chemical refuse, or such other emissions control system as is approved in writing by the Department as equivalent to an incinerator in terms of odor control.
  - 1. Rendering cookers
  - 2. Animal blood dryers
  - 3. Asphalt oxidation
  - 4. Asphalt roofing manufacturing
  - 5. Brake shoe debonding
  - 6. Core ovens
  - 7. Varnish cookers
  - 8. Paint drying or baking ovens
  - 9. Meat smokehouses other than those in single family houses
  - 10. Coffee roasting
  - 11. Fabric-backing and fabric-coating baking ovens
  - 12. Ovens for curing of binders in mineral wool production
  - 13. Tear gas manufacture
  - 14. Sources of hydrogen sulfide or mercaptans, except coke batteries
- c. **Measurements.** Measurements of odor emissions shall be performed according to the procedures established by Part G of this Article. Measurements of incinerator temperature shall be performed according to the procedures established by Part G of this Article. Measurements pertaining to an equivalent emissions control system installed pursuant to Subsection b above shall be performed according to the applicable procedures established by Part G of this Article, or if no such procedures are applicable, pursuant to other procedures specified by the Department.
- d. **Enforcement.** Notwithstanding any other provision of this Article the prohibitions of Subsection a of this Section may be enforced against the owner or operator of any source at a single family residence or multiple-dwelling unit of no more than two dwelling units by any municipal or local government unit having jurisdiction over the place where the emissions of malodorous matter occur. For purposes of this Subsection, malodorous means the property of an odor which causes annoyance or discomfort to the public and which a designated representative of such municipal or local government unit determines to be objectionable to the public. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

#### **§2104.05 MATERIALS HANDLING**

In addition to meeting the other requirements of this Article, no person shall conduct, or allow to be conducted, any materials handling operation in such manner that emissions from such operation are visible at or beyond the property line of the affected source.

## **§2104.06 VIOLATIONS** *{adopted effective October 20, 1995}*

The violation of any emission standard established by this Part shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article. *Previous §2104.6 renumbered as §2104.02 effective October 20, 1995.*

## **§2104.07 STACK HEIGHTS**

The degree of emission limitation required of any source for purposes of demonstrating compliance with a NAAQS shall not be affected by that portion of any stack height that exceeds Good Engineering Practice (GEP) or any other dispersion techniques as defined by federal regulations at 40 C.F.R §51.100, §51.110, and Subpart I.

## **§2104.08 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR**

**POLLUTANTS** *{Subsection a revised January 22, 1998 effective March 31, 1998. Subsections a and b amended September 16, 2022, effective September 26, 2022.}*

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 40 CFR §68.215 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.

- d. **New and reconstructed sources.** No person shall operate, or allow to be operated, a major source of hazardous air pollutants that has been constructed or reconstructed since the effective date of this Article unless such source complies with the applicable MACT emission limitation under this Section for new sources. Where no applicable emissions limitations have been established by the Administrator, the Commonwealth, or the Department by the date established pursuant to the Clean Air Act, such a limitation shall be established by the Department on a case-by-case basis prior to the issuance of the Installation Permit for any such construction or reconstruction.
- e. **Existing sources.**
1. No person shall operate, or allow to be operated, a source of hazardous air pollutants subject to any MACT emissions standard, limitation, or regulation under this section in violation of such standard, limitation, or regulation except, in the case of an existing source, compliance shall be achieved by no later than the compliance date or dates for the category or subcategory of such existing source established by the Administrator, or 3 years after the effective date of such standard, whichever is sooner, except as provided in Paragraph 2 of this Subsection and Subsections f and g of this Section.
  2. If approved by the Department pursuant to an Operating Permit issued under this Article:
    - A. An existing source shall have an extension to the compliance deadline under Paragraph e.1 of this Section permitting such existing source up to one additional year to comply with the applicable standards under this Section but only if such additional period is necessary for the installation of controls; and
    - B. An existing mining waste operation shall have an additional extension to the compliance deadline under paragraph e.1 of this Section of no more than three years to comply with the applicable standards under this Section but only if the otherwise applicable compliance time is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant.
- f. **Early reduction.**
1. If expressly set forth in an Operating Permit issued under this Article, any person who operates, or allows to be operated, an existing source of hazardous air pollutants who has demonstrated that the source has achieved a reduction of 90 percent or more in emissions of hazardous air pollutants, and 95 percent in the case of hazardous air pollutants which are particulates, from the source, shall comply with an alternative emission limitation at such source. Such alternative emission limitation shall reflect such reduction in lieu of an applicable emission limitation under this Section for a period of 6 years from the compliance date under this Section for the otherwise applicable standard, provided that such reduction was achieved before the otherwise applicable standard under this Section is first proposed.
  2. The reduction under this Subsection shall be determined with respect to verifiable and actual emissions in a base year not earlier than calendar year 1987, provided that, there is no evidence that emissions in the base year are artificially or substantially greater than emissions in other years prior to implementation of emissions reduction measures.
  3. An alternative emission limitation under this Subsection shall not be available with respect to health risk based standards or requirements promulgated by the Administrator.
  4. The use of offsetting reductions in emissions of other hazardous air pollutants from a source as counting toward the 90 percent reduction in certain high risk hazardous air pollutants, as defined by the Administrator, qualifying for an alternative emissions limitation under this Subsection shall be limited by any applicable federal regulations promulgated for such purpose.

g. **Other reductions.** Notwithstanding the requirements of this Section, no existing source that has installed:

1. BACT; or
2. Technology required to meet LAER,

prior to the promulgation of a standard under this Section applicable to such source and the same pollutant (or stream of pollutants) shall be required to comply with such standard under this Section until the date five years after the date on which such installation or reduction has been achieved as determined by the Department, EPA, or DEP.

h. **Absence of EPA Promulgated MACT Standard.**

1. In the event that the Administrator fails to promulgate a standard for a category or subcategory of major sources of hazardous air pollutants by the date established pursuant to the Clean Air Act, by no later than 18 months after such date, any person who operates, or allows to be operated, any major source in such category or subcategory shall apply for the issuance or amendment of an operating permit reflecting appropriate applicable operating permit emission limitations and thereafter comply with the applicable operating permit emission limitations. Such operating permit emission limitations shall be for the hazardous air pollutants subject to regulation under this Section and emitted by the source that the Department determines, on a case-by-case basis, to be equivalent to the limitation that would apply to such source if an emission standard had been promulgated in a timely manner by the Administrator.
2. In lieu of compliance with Paragraph h.1 of this Section, if the applicable criteria are met, any person who operates, or allows to be operated, the major source in such category or subcategory shall comply with the applicable operating permit emissions limitation established according to the provisions of Subsection f of this Section. For purposes of the preceding sentence, the emission reduction required by this Section shall be achieved by the date on which the relevant standard should have been promulgated by the Administrator. No such pollutant may be emitted in amounts exceeding an emission limitation contained in a permit immediately for new sources and, as expeditiously as practicable, but not later than the date three years after the permit is issued for existing sources or such other compliance date as would apply under this Section.
3. If the Administrator promulgates an emission standard that is applicable to a major source prior to the date on which a permit is issued, any person who operates, or allows to be operated, such major source shall comply with the emission limitation in the permit which shall reflect the promulgated standard rather than the emission limitation otherwise determined pursuant to this Section, provided that the source shall have the compliance period provided under this Section. If the Administrator promulgates a standard that would be applicable to a source in lieu of the emission limitation established by permit under this Section after the date on which the permit has been issued, any person who operates, or allows to be operated, such major source, upon the next renewal of the permit, shall comply with the emission limitation revised by the Department to reflect the standard promulgated by the Administrator providing such source a reasonable time to comply, but no longer than eight years after such standard is promulgated or eight years after the date on which the source is first required to comply with the emissions limitation established by permit, whichever is earlier.

**§2104.09 OUTDOOR WOOD-FIRED BOILERS** *{Added May 29, 2013, effective June 8, 2013}*

- a. **Applicability.** Beginning on June 8, 2013, this section applies to the following:
  - 1. A person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an outdoor wood-fired boiler for use in Allegheny County.
  - 2. A person who installs an outdoor wood-fired boiler in Allegheny County.
  - 3. A person who purchases, receives, leases, owns, or uses an outdoor wood-fired boiler in Allegheny County.
- b. **Exemptions.**
  - 1. This section does not apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes in this County a non-Phase 2 outdoor wood-fired boiler if the person, manufacturer, supplier or distributor demonstrates the non-Phase 2 outdoor wood-fired boiler is intended for shipment and use outside of the Commonwealth of Pennsylvania.
  - 2. Subsections c, d and e do not apply to a permanently installed outdoor wood-fired boiler that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.
- c. **Phase 2 outdoor wood-fired boilers.** Except as provided under Subsection b:
  - 1. A person may not sell, offer for sale, distribute or install an outdoor wood-fired boiler for use in this County unless it is a Phase 2 outdoor wood-fired boiler.
  - 2. A person may not purchase, lease or receive an outdoor wood-fired boiler for use in this County unless it is a Phase 2 outdoor wood-fired boiler.
- d. **Setback requirements for new Phase 2 outdoor wood-fired boilers.** A person may not install a new Phase 2 outdoor wood-fired boiler in this County unless the boiler is installed a minimum of 150 feet from the nearest property line, except that, where a new Phase 2 outdoor wood-fired boiler replaces an existing non-Phase 2 unit, the minimum setback required shall be 50 feet.
- e. **Stack height requirements for new Phase 2 outdoor wood-fired boilers.** A person may not install, use or operate a new Phase 2 outdoor wood-fired boiler in this County unless the boiler has a permanently attached stack. The stack must meet all of the following requirements:
  - 1. Extend a minimum of 10 feet above the ground.
  - 2. Extend at least two feet above the peak of the highest residence located within 150 feet of the outdoor wood-fired boiler.
  - 3. Be installed according to the manufacturer's specifications.

- f. **Allowed fuels.** A person that owns, leases, uses or operates an outdoor wood-fired boiler in this County shall use only one or more of the following fuels:
1. Clean wood.
  2. Wood pellets made from clean wood.
  3. Home heating oil, natural gas or propane that:
    - A. Complies with all applicable sulfur limits.
    - B. Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
  4. Other types of fuel approved in writing by the Department upon receipt of a written request.
- g. **Prohibited fuels.** A person who owns, leases, uses or operates an outdoor wood-fired boiler in this County may not burn a fuel or material in that outdoor wood-fired boiler other than those fuels listed under Subsection f.
- h. **Use Restrictions on Air Quality Action Days.** No person shall operate, or allow to be operated, any new or existing outdoor wood-fired boiler on an Air Quality Action Day in this county, unless the OWB is the primary residential heating source.
- i. **Applicable laws and regulatory requirements.** A person may not use or operate an outdoor wood-fired boiler in this County unless it complies with applicable PA Commonwealth, County and local laws and regulations adopted thereunder, including the following Article XXI sections:
1. §2101.11.c, Prohibition of Air Pollution;
  2. §2101.13, Nuisances;
  3. §2104.01.a, Visible Emissions – General; and
  4. §2104.04.a, Odor Emissions – General.
- j. **Written notice and Recordkeeping.** At the execution of the commercial sale or lease in this county of a new or used Phase 2 outdoor wood-fired boiler, the distributor, seller or lessor shall:
1. Provide the buyer or lessee with a copy of this section of Article XXI; and
  2. Record the make, model name/number, and date of manufacture of the outdoor wood-fired boiler sold or leased, the name and address of the buyer or lessee as well as the address of the location where the unit will be installed if different from that of the buyer or lessee, and submit this information to the Department no later than 30 days after the end of the calendar year in which the sale or lease occurred.



**§2104.10 COMMERCIAL FUEL OIL** {Added by 11/28/2017 amendment, effective 12/8/2017. Subsections a and d amended July 16, 2020, effective July 26, 2020. Subsections a and d amended July 16, 2020, effective July 26, 2020. Subsection c amended October 26, 2022, effective November 5, 2022.}

Fuel-burning or combustion equipment must conform with the following:

- a. **Commercial Fuel Oil.** Except as specified in Paragraphs 1 and 2, a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in Allegheny County, if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

<i>Maximum Allowable Sulfur Content Expressed as Parts per Million (ppm) by Weight or Percentage by Weight</i>				
<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	Through August 31, 2020		Beginning September 1, 2020	
No. 2 and lighter oil	500 ppm	(0.05%)	15 ppm	(0.0015%)
No. 4 oil	2,500 ppm	(0.25%)	2500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)	5000 ppm	(0.5%)

1. Commercial fuel oil that was stored in Allegheny County by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content through August 31, 2020, at the time it was stored, may be used by the ultimate consumer on and after September 1, 2020.
  2. The applicable maximum allowable sulfur content for a commercial fuel oil set forth in Subsection a may temporarily be suspended or increased if the Pennsylvania Department of Environmental Protection (DEP) has acted to do so in accordance with 25 Pa. Code §§123.22(d)(2)(iii & iv) and (h), regarding the Allegheny County air basin.
- b. **Equivalency provision.** Subsection a does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in Subsection a. The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in Subsection a.
  - c. **Sampling and testing.**
    1. For the purpose of determining compliance with the requirements of this section, the actual sulfur content of commercial fuel oil shall be determined by one of the following:
      - A. In accordance with the sample collection, test methods and procedures established by Part G of this Article.
      - B. Other methods developed or approved by the Department, PA DEP or the Administrator of the EPA.
    2. A refinery owner or operator who produces commercial fuel oil intended for use or used in Allegheny County is required to sample, test and calculate the actual sulfur content of each batch of the commercial fuel oil as specified in Paragraph 1.
    3. Prior to offering for sale, delivering for use, exchanging in trade or permitting the use of commercial fuel oil in Allegheny County, a person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor, shall sample, test and calculate the actual sulfur content of the commercial fuel oil in accordance with Paragraph 1 if the shipment lacks the record required under Subsection d that enables the transferee to determine if the sulfur content of the shipment of commercial fuel oil meets the applicable maximum allowable sulfur content.

d. **Recordkeeping and reporting.**

1. Beginning with the refinery owner or operator who sells or transfers commercial fuel oil into or within Allegheny County for use in Allegheny County-and ending with the ultimate consumer, each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands, the transferor shall provide to the transferee an electronic or paper record described in this paragraph. This record must legibly and conspicuously contain the following information:
  - A. The date of the sale or transfer.
  - B. The name and address of the transferor.
  - C. The name and address of the transferee.
  - D. The volume of commercial fuel oil being sold or transferred.
  - E. The identification of the sulfur content of the shipment of commercial fuel oil, determined using the sampling and testing methods specified in Paragraph c.1, expressed as one of the following statements:
    - i. For a shipment of No. 2 and lighter commercial fuel oil:
      - (a) Prior to September 1, 2020 - “The sulfur content of this shipment is 500 ppm or below.”
      - (b) On and after September 1, 2020 -“The sulfur content of this shipment is 15 ppm or below.”
    - ii. For a shipment of No. 4 commercial fuel oil, “The sulfur content of this shipment is 2,500 ppm or below.”
    - iii. For a shipment of No. 5, No. 6 and heavier commercial fuel oil, “The sulfur content of this shipment is 5,000 ppm or below.”
  - F. The location of the commercial fuel oil at the time of transfer.
  - G. Except for a transfer to a truck carrier, an owner or operator of a retail outlet or an ultimate consumer, the transferor may substitute the information required under Subparagraphs A - F with the use of a product code if the following are met:
    - i. The product code includes the information required under Subparagraphs A – F.
    - ii. The product code is standardized throughout the distribution system in which it is used.
    - iii. Each downstream party is given sufficient information to know the full meaning of the product code.
2. The refinery owner or operator shall do both of the following:
  - A. Maintain, in electronic or paper format, the records developed under Paragraph c.2 to determine the actual sulfur content of each batch of the commercial fuel oil.
  - B. Provide electronic or written copies of the records developed under Paragraph c.2 of the actual sulfur content of each batch of the commercial fuel oil to the Department upon request.
3. The terminal owner or operator shall do both of the following:
  - A. Maintain, in electronic or paper format, the applicable records developed under Paragraph c.3 or d.1, or both, to establish the maximum sulfur content of the shipment of commercial fuel oil.
  - B. Provide electronic or written copies of the records establishing the maximum sulfur content of the shipment of commercial fuel oil to the Department upon request.
4. A person subject to this section shall do both of the following:
  - A. Maintain the applicable records required under Paragraphs 1 - 3 in electronic or paper format for 2 years unless a longer period is required under 2103.12.j.2 (relating to standard recordkeeping requirements).
  - B. Provide an electronic or written copy of the applicable record to the Department upon request.
5. The ultimate consumer shall maintain in electronic or paper format the record containing the information listed in Paragraph 1, except in either of the following situations:
  - A. The transfer or use of the commercial fuel oil occurs at a private residence.
  - B. The ultimate consumer is an owner of an apartment or condominium building housing private residents and the transfer or use of the commercial fuel oil occurs for use at the building.

## **PART E - SOURCE EMISSION AND OPERATING STANDARDS**

### **§2105.01 EQUIVALENT COMPLIANCE TECHNIQUES** *{Subsections a, c & e modified July 10, 2003. Subsection f amended October 26, 2022, effective November 5, 2022.}*

Compliance with the requirements of this Part relating to sources of volatile organic compounds may be achieved by alternative methods provided:

- a. The alternative method is approved by the Department in an applicable installation permit or operating permit;
- b. The resulting emissions are equal to or less than the emissions that would have been discharged by complying with the applicable emission limitation;
- c. Compliance by a method other than the use of a coating or ink which complies with the requirements for Surface Coating Processes, Graphic Arts Systems, and Aerospace Manufacturing and Rework under Sections 2105.10, 2105.11, and 2105.74, respectively, of this Article shall be determined on the basis of equal volumes of solids;
- d. Adequate records are maintained to ensure enforceability;
- e. The alternative compliance method is incorporated into an installation permit or operating permit, reviewed by the EPA; and
- f. The test methods and procedures used to monitor compliance with the requirements of this Section are either those established by Part G of this Article or approved by the EPA.

### **§2105.02 OTHER REQUIREMENTS NOT AFFECTED**

Compliance with the requirements of this Part shall not in any manner relieve any person from the duty to fully comply with any other applicable federal, state, or county statute, rule, regulation, or the like, including, but not limited to the odor emission standards under §2104.04 of this Article, any applicable NSPS's, NESHAP's, MACT's, or Generally Achievable Control Technology standards now or hereafter established by the EPA, and any applicable requirement of BACT or LAER as provided by this Article, any condition contained in any applicable Installation or Operating Permit and/or any additional or more stringent requirements contained in an order issued to such person pursuant to Part I of this Article.

### **§2105.03 OPERATION AND MAINTENANCE**

All air pollution control equipment required by this Article or any permit or order under this Article, and all equivalent compliance techniques which have been approved by the Department pursuant to this Article, shall be properly installed, maintained, and operated consistent with good air pollution control practice.

### **§2105.04 TEMPORARY SHUTDOWN OF INCINERATION EQUIPMENT**

Upon a written request from the owner or operator of a source which has installed incineration equipment using natural gas in order to comply with any VOC emission control standard under this Article, the Department may authorize the temporary shutdown of such equipment during the months of December, January, and February for purposes of fuel conservation, provided that such equipment is not required for purposes of occupational health or

safety, control of toxic or hazardous substances or other regulated pollutants, or for compliance with any malodor emission limitation under this Article. Such authorization shall be in writing and may be conditioned or revoked as the Department deems appropriate to further the purposes of this Article.

## **§2105.05 NEW SOURCE PERFORMANCE STANDARDS**

*{Subsection a revised January 22, 1998 effective March 31, 1998}*

- a. All New Source Performance Standards (NSPS) now or hereafter established by the EPA at 40 CFR Part 60 in accordance with §111 of the Clean Air 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 regulations promulgated by the EPA are incorporated into this Article and are effective on the date established by the federal regulations, unless otherwise established by regulation under this Article.
- b. It shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article for any person to operate, or allow to be operated, any source in a manner that does not comply with all requirements of any applicable NSPS now or hereafter established by the EPA, except if such person has obtained from EPA a waiver pursuant to Section 111 or Section 129 of the Clean Air Act or is otherwise lawfully temporarily relieved of the duty to comply with such requirements.
- c. Any person who operates, or allows to be operated, any source subject to any standard under this Section shall conduct, or cause to be conducted, such tests, measurements, monitoring and the like as is required by such standard. All notices, reports, test results and the like as are required by such standard shall be submitted to the Department in the manner and time specified by such standard. All information, data and the like which is required to be maintained by such standard shall be made available to the Department upon request for inspection and copying.

## **§2105.06 MAJOR SOURCES OF NITROGEN OXIDES AND VOLATILE ORGANIC COMPOUNDS**

- a. **Applicability.** This Section applies to all major sources of nitrogen oxides or VOCs in existence as of November 1, 1992, for which no applicable emission limitations have been established by regulations under this Article.
- b. **General.**
  1. The owner or operator of each source subject to this Section shall have, by on or before April 30, 1993, submitted in writing to the Department, for each such source:
    - A. A description of the source;
    - B. The annual potential uncontrolled emissions of nitrogen oxides and VOCs;
    - C. The annual potential emissions of nitrogen oxides and VOCs;
    - D. The actual emissions of nitrogen oxides and VOCs for the calendar year 1992; and
    - E. A detailed description of the methods used to determine these emissions.
  2. The owner or operator of each source subject to this Section shall have, by on or before September 1, 1993, submitted in writing to the Department, for each such source, a proposal for what

constitutes reasonably available control technology (RACT) for each such source. Each RACT proposal shall include, at a minimum:

- A. The technical and economic support documentation for such proposal; and
  - B. The schedule for implementing such proposal as expeditiously as practicable but by not later than the deadline set forth under Paragraph 3 below.
3. On and after the deadline set forth in a schedule approved by the Department, but not later than either May 31, 1995, or such other deadline established by the Administrator, whichever is later, no person shall operate, or allow to be operated, any source subject to this Section unless there is implemented and operating at such source RACT either as set forth in Subsections d and f of this Section or as expressly approved in writing by the Department pursuant to this Section.
  4. Following the implementation of the RACT requirements under this Section, the owner or operator of a combustion unit with a rated heat input of:
    - A. 250 million BTUs per hour or greater and subject to Section 2108.03.b of this Article shall, through the use of a Department approved continuous emission monitoring system, determine the maximum possible rate of emissions of NO<sub>x</sub> from the combustion unit, in pounds per hour, and report such monitoring and determination to the Department, in writing, in a format acceptable to the Department.
    - B. Greater than 100 million BTUs per hour and not subject to Section 2108.03.b of this Article shall, through the use of a Department approved periodic source testing or predictive modeling program or continuous emission monitoring system, determine the maximum possible rate of emissions of NO<sub>x</sub> from the combustion unit, in pounds per hour, and report such monitoring and determination to the Department, in writing, in a format acceptable to the Department.
  5. The maximum possible rate of emissions from the monitoring and reporting required under Paragraph 4 above shall consist of the potential emissions after full implementation of all RACT technology and conditions, but not less than actual emissions, and shall constitute the RACT emission limitation for the source which shall immediately be proposed as a federally enforceable permit condition for such source.
- c. **Federal Approval.**
1. For all proposals under this Section, the Department shall submit to the EPA for approval each approved RACT proposal as a proposed revision to Allegheny County's portion of the SIP.
  2. The owner or operator of each source subject to this Section shall bear the costs of providing public notice and stenographic transcripts of any public hearings held with respect to the proposal and, upon the request of the Department, shall obtain facilities for such public hearings.
- d. **Presumptive RACT Requirements for Certain NO<sub>x</sub> Sources.** For each source of NO<sub>x</sub> emissions subject to this Section and specified in this Subsection, compliance with the following requirements shall constitute RACT for such source:
1. For a coal-fired combustion unit with a rated heat input equal to or greater than 100 million BTUs/hour, presumptive RACT shall be the installation and operation of low NO<sub>x</sub> burners with separated overfire air.

2. For a combustion unit with a rated heat input equal to or greater than 20 million BTUs/hour and less than 50 million BTUs/hour presumptive RACT shall be the performance of an annual adjustment or tuneup on the combustion process, to include, at a minimum:
  - A. Inspection, adjustment, cleaning, or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
  - B. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO<sub>x</sub>, and to the extent practicable minimize emissions of CO; and
  - C. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.
3. For combustion units subject to Paragraph d.2 of this Section, any person who operates, or allows to be operated, such adjusted equipment shall record each adjustment conducted under the procedures in Paragraph d.2 in a permanently bound log book, or other method approved by the Department, which contains, at a minimum:
  - A. The date of the adjustment procedure;
  - B. The name of the service company and technicians;
  - C. The operating rate or load after adjustment;
  - D. The CO and NO<sub>x</sub> emission rates after adjustment;
  - E. The excess oxygen rate after adjustment; and
  - F. Other information required by the applicable operating permit.
4. For oil, gas, or combination oil/gas units, any person who operates, or allows to be operated, such units shall maintain records including a certification from the fuel supplier of the type of fuel and for each shipment of distillate oils number 1 or 2, a certification that the fuel complies with ASTM D396-78 "Standard Specifications for Fuel Oils". For residual oils, minimum recordkeeping includes a certification from the fuel supplier of the nitrogen content of the fuel, and identification of the sampling method and sampling protocol.
5. For oil and gas and combination oil/gas fired units subject to Paragraph d.2 of this Section, any person who operates, or allows to be operated, such units shall make the annual adjustment in accordance with the EPA document "Combustion Efficiency Optimization Manual for Operators of Oil and Gas-fired Boilers," September 1983, (EPA-340/1-83-023) or equivalent procedures approved in writing by the Department.
6. For the following source types, presumptive RACT emission limitations are the installation, maintenance, and operation of the source in accordance with manufacturer's specifications:
  - A. Boilers and other combustion sources with individual rated gross heat inputs less than 20 million BTUs/hour of operation;
  - B. Combustion turbines with individual heat input rates less than 25 million BTUs/hour which are used for natural gas distribution;
  - C. Internal combustion engines rated at less than 500 bhp (gross) which are set and maintaining four degrees retarded relative to standard timing;
  - D. Incinerators or thermal/catalytic oxidizers used primarily for air pollution control;
  - E. Any fuel-burning equipment, gas turbine, or internal combustion engine with an annual capacity factor of less than 5%, or an emergency standby engine operating less than 500 hours in a consecutive 12-month period;

- F. Sources which have been approved as meeting LAER for NO<sub>x</sub> emissions since November 15, 1990, with federally enforceable emission limitations; and
- G. Sources which have been approved as meeting BACT for NO<sub>x</sub> emissions since November 15, 1990, with federally enforceable emission limitations, although these sources shall still meet any more stringent category-wide RACT emission limitations promulgated by the EPA or under this Article.

e. **NO<sub>x</sub> RACT Emission Averaging General Requirements.**

1. The owners and operators of NO<sub>x</sub> emitting sources subject to this Section may submit a written proposal to the Department as part of an application for operating permits to average emissions to meet RACT requirements of this Section. Emission averaging which complies with applicable EPA requirements and is approved as a SIP revision, and which meets the criteria in Paragraph e.2 of this Section and is approved by the Department shall satisfy the requirements of this Section. The Department shall approve, deny, or modify each averaging proposal.
2. The Department shall not approve an emission averaging proposal unless the proposal demonstrates compliance with the following requirements to the Department's satisfaction:
  - A. The proposal shall demonstrate that the aggregate emissions achieved through the RACT averaging proposal are less than the sum of emissions that would be achieved by complying with the RACT requirement on a source specific basis.
  - B. The averaging proposal shall include a tons per year emission cap and an emission rate such as pounds/million BTUs for each source in the averaging proposal that provide for verification and enforcement of the averaging proposal.
  - C. Emission reductions attributed to the shutdown or curtailment of operation of a source may not be included in an averaging proposal.
  - D. The proposal shall demonstrate that the ambient air quality impact resulting from implementation of the averaging proposal is less than or equivalent to the impact from each source complying with the RACT requirements in this Section individually. The demonstration shall consider the area of emissions impact and the periods of time of emissions impact except as follows:
    - i. For emission averaging involving sources located within the same nonattainment area, the demonstration shall only consider the periods of time of emissions impact.
    - ii. For emission averaging involving sources not located within the same nonattainment area which are located less than 125 miles from another source involved in the averaging proposal, the demonstration shall only consider the periods of time of emissions impact.
  - E. The proposal shall provide that each source involved in the averaging proposal shall be required to use continuous emission monitors and record emissions following the requirements of Parts G and H of this Article. The participating sources are required to establish telemetry links between the sources and to provide real time emission data to all sources affected by the averaging proposal. For an averaging proposal involving sources on contiguous property, the Department may approve alternate requirements provided the proposal demonstrates that the alternate methodologies are credible, workable, replicable, and fully enforceable and accurately quantify emissions from all sources participating in the averaging program.

3. An averaging proposal shall not be implemented until approved by the EPA as a SIP revision.
  4. Every source involved in the approved averaging proposal is in violation of this Article when a source subject to the averaging proposal exceeds an emission limitation or averaging requirement established under this Section.
  5. Additional emission reductions required under this Article, the Clean Air Act, the Air Pollution Control Act, or any regulations promulgated under the Clean Air Act or Air Pollution Control Act shall be in addition to and not a substitute for the emission reductions required by the averaging proposal.
- f. **Presumptive RACT Requirements for Certain VOC Sources.** For each source of VOC emissions subject to this Section and specified in this Subsection, the installation, maintenance, and operation of the source in accordance with manufacturer's specifications shall constitute RACT for such source:
1. Sources which have been approved as meeting LAER for VOC emissions since November 15, 1990, with federally enforceable emission limitations; and
  2. Sources which have been approved as meeting BACT for VOC emissions since November 15, 1990, with federally enforceable emission limitations, although these sources shall still meet any more stringent category-wide RACT emission limitations promulgated by the EPA or under this Article.
- g. **Recordkeeping.** Any person who operates, or allows to be operated, any source of nitrogen oxides or VOCs subject to this Section shall keep records to demonstrate compliance with the requirements of this Section.
1. Such records shall provide sufficient data and calculations to clearly demonstrate that the requirements of this Section are met.
  2. Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.
  3. The records shall be retained for at least two years and shall be made available to the Department on request.
  4. An owner or operator claiming that a source is exempt from the RACT requirements of this Section, based on the source's potential to emit, shall maintain records that clearly demonstrate to the Department that the source is not subject to the requirements of this Section.

## **§2105.08 ADDITIONAL RACT REQUIREMENTS FOR MAJOR SOURCES OF NITROGEN OXIDES AND VOLATILE ORGANIC COMPOUNDS**

*{Added October 26, 2022, effective January 1, 2023.}*

- a. Except as otherwise provided under this Section, the additional RACT requirements for major sources of nitrogen oxides and volatile organic compounds promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act at 25 Pa. Code §§ 129.111—129.115, 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.



- b. Under the regulations incorporated by reference under this Section and for purposes of this Article:
1. "Combustion unit" shall mean 'Fuel burning and combustion equipment,' as defined in this Article;
  2. "Plan approval" shall mean Installation permit;
  3. The terms "Department" and "approved local air pollution control agency" shall mean Department as defined under this Article;
  4. "Facility" shall mean Source as defined under this Article;
  5. With respect to the requirements of 25 Pa. Code § 129.111—129.115, the sections of 25 Pa. Code Chapter 129 cited there shall mean the corresponding Article XXI sections listed in the following table. Where there is no corresponding Article XXI section as indicated by "None" in the table, follow the requirements of the Pennsylvania Code;

25 Pa. Code	Article XXI		25 Pa. Code	Article XXI
§ 129.51	§2105.01		§ 129.71	§2105.19
§ 129.52	§2105.10 incl. Table 2105.10		§ 129.72	None*
§ 129.52a	§2105.77		§ 129.73	§2105.74
§ 129.52b	§2105.79		§ 129.75	§2105.75
§ 129.52c	§2105.78		§ 129.77	§2105.85
§ 129.52d	§2105.83		§ 129.91, §§ 129.93—129.95	§2105.06 applicable subsections
§ 129.52e	§2105.84		§ 129.92	§2105.06.a-c and § 129.92
§ 129.54	§2105.04		§§ 129.96—129.100	None*
§ 129.55	§2105.70		§ 129.101	§2105.76
§ 129.56	§2105.12		§ 129.102	§2105.76
§ 129.57	§2105.12		§ 129.103	§2105.76
§ 129.58	§2105.70		§ 129.104	§2105.76
§ 129.59	§2105.13		§ 129.105	§2105.76
§ 129.60	§2105.13		§ 129.106	§2105.76
§ 129.61	§2105.13		§ 129.107	§2105.76
§ 129.62	§2105.13		§ 129.301	§2105.101
§ 129.63	§2105.15		§ 129.302	§2105.101
§ 129.63a	§2105.82		§ 129.303	§2105.101
§ 129.64	§2105.16		§ 129.304	§2105.101
§ 129.65	§2105.17		§ 129.305	§2105.101
§ 129.66	None*		§ 129.306	§2105.101
§ 129.67	§2105.11		§ 129.307	§2105.101
§ 129.67a	§2105.81		§ 129.308	§2105.101
§ 129.67b	§2105.80		§ 129.309	§2105.101
§ 129.68	§2105.71		§ 129.310	§2105.101
§ 129.69	§2105.72			

\*25 Pa. Code §§ 129.66, 129.72, and 129.96—129.100 have no corresponding Article XXI sections. Additional Notes on Corresponding Regulations: 25 Pa. Code §§ 129.201—129.205 apply to certain sources only in Bucks, Chester, Delaware, Montgomery or Philadelphia County; 25 Pa. Code §§ 145.111—145.113 are part of the NO<sub>x</sub> SIP call regulations, for which DEP prohibits ACHD from enacting regulations; and 25 Pa. Code §§ 145.141—145.145, Cement Manufacturing – no Allegheny County Sources.

6. Regarding 25 Pa. Code § 129.112(e)(1), and with respect to a municipal solid waste landfill constructed, reconstructed or modified on or before July 17, 2014, §2105.73 of this Article applies, and "§ 122.3" shall mean §2105.05 of this Article;
  7. Regarding 25 Pa. Code § 129.112(e)(2), and with respect to a municipal solid waste landfill constructed after July 18, 2014, "§ 122.3" shall mean §2105.05 of this Article;
  8. Regarding 25 Pa. Code § 129.112(l) and RACT permits issued to the owner or operator of an air contamination source:
    - A. 25 Pa. Code §§ 129.91—129.95, shall mean §2105.06 of this Article;
    - B. "stationary" sources shall mean "major" sources.
  9. Regarding 25 Pa. Code § 129.112(m) and any other portions of §§ 129.111—129.115:
    - A. 25 Pa. Code §§ 129.201—129.205, do not apply to Allegheny County;  
{Editor's Note: These sections apply to the counties around Philadelphia.}
    - B. 25 Pa. Code §§ 129.301—129.310, shall mean §2105.101 of this Article;
    - C. 25 Pa. Code §§ 145.111—145.113, there are no corresponding Article XXI regulations;  
{Editor's Note: 25 Pa. Code §§ 145.111—145.113 are part of the NO<sub>x</sub> SIP Call regulations, for which DEP prohibits ACHD from enacting regulations.}
    - D. 25 Pa. Code §§ 145.141—145.146, do not apply to Allegheny County.  
{Editor's Note: There are no Portland cement plants in Allegheny County.}
  10. Regarding 25 Pa. Code § 129.114(d)(1) and (d)(3), "25 Pa. Code § 129.92(a)(1)—(5), (7)—(10) and (b)" shall mean that and Article XXI §2105.06.a, b, and c;
  11. Regarding 25 Pa. Code § 129.114(f) and (j), "25 Pa. Code Chapter 127" shall mean Article XXI Parts B and C;
  12. Regarding 25 Pa. Code § 129.114(j)(2), the Department shall publish notice in accordance with Article XXI §2102.03.m.2;
  13. Regarding 25 Pa. Code § 129.115(b)(1), (3), (4) and (5), monitoring and testing shall be in accordance with "Chapter 139, Subchapter C" as incorporated by Article XXI, §2108.02.g;
  14. Regarding 25 Pa. Code § 129.115(b)(6) and (e)(2), monitoring and testing shall be in accordance with "Chapter 139, Subchapter A" as incorporated by Article XXI, §2107.01.b; and
  15. Regarding 25 Pa. Code § 129.115(f), "25 Pa. Code, Part 1, Subpart C, Article III" shall mean Article XXI.
-

## **SUBPART 1 - VOC SOURCES**

**§2105.10 SURFACE COATING PROCESSES** *{Modified July 10, 2003. Paragraphs a.1 & 2 added May 14, 2010, effective May 24, 2010. Paragraphs a.3 & 4 added May 29, 2013, effective June 8, 2013. Subsection b amended October 26, 2022, effective November 5, 2022. Subsections a and c, and Table 2105.10 amended 11/5/2025, effective 11/15/2025.}*

- a. **Applicability.** This section applies as follows to the owner and operator of a:
1. Surface coating process category listed in Table 2105.10, categories 1-4, 8, and 11, regardless of the size of the facility, which emits or has emitted VOCs into the outdoor atmosphere in quantities greater than 3 pounds (1.4 kilograms) per hour, 15 pounds (7 kilograms) per day, or 2.7 tons (2,455 kilograms) per year during any calendar year since January 1, 1987.
  2. Shipbuilding or ship repair facility that has a surface coating operation that uses or applies more than 264 gallons of one or a combination of coatings listed in Table 2105.10, category 12, beginning November 15, 2025.
    - A. All terms defined in 25 Pa. Code § 121.1 as, “For purposes of shipbuilding and ship repair coatings under 25 Pa. Code § 129.52, Table I, Category 12,” are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
  3. The limits from §2105.10 and Table 2105.10, number 7 for Metal furniture coating and number 9 for Large appliance coating, no longer apply to the large appliance and metal furniture surface coating process as of January 1, 2011.
  4. The limits from §2105.10 and Table 2105.10, number 5 for Paper coating, no longer apply to the paper, film, and foil surface coating process as of January 1, 2011.
  5. The limits from §2105.10 and Table §2105.10, number 10 for Miscellaneous metal parts and products, no longer apply to miscellaneous metal and/or plastic parts surface coating processes as of January 1, 2014.
  6. The limits from §2105.10 and Table §2105.10, number 6 for Automobile and light duty truck coating, no longer apply to automobile and light-duty truck assembly coatings as of January 1, 2014.
- b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a surface coating process category listed in Table 2105.10, unless one of the following limitations is met:
1. The VOC content of each as applied coating is equal to or less than the standard specified in Table 2105.10.
    - A. The VOC content of the as applied coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated as follows:

$$\text{VOC} = (W_o)(D_c)/V_n$$

Where:

VOC = VOC content in lb VOC/gal of coating solids

$W_o$  = Weight percent of VOC ( $W_v - W_w - W_{ex}$ )

$W_v$  = Weight percent of total volatiles (100% - weight percent solids)  
 $W_w$  = Weight percent of water  
 $W_{ex}$  = Weight percent of exempt solvent(s)  
 $D_c$  = Density of coating, lb/gal, at 25°C  
 $V_n$  = Volume percent of solids of the as applied coating

- B. The VOC content of a dip coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated on a 30-day rolling average basis using the following equation:

$$VOC_A = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_J (W_{oJ} \times D_{dJ} \times Q_J)}{\sum_i (V_{ni} \times Q_i)}$$

Where:

$VOC_A$  = VOC content in lb VOC/gal of coating solids for a dip coating, calculated on a 30-day rolling average basis  
 $W_{oi}$  = Percent VOC by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction (that is 55% = 0.55)  
 $D_{ci}$  = Density of each as supplied coating (i) added to the dip coating process, in pounds per gallon  
 $Q_i$  = Quantity of each as supplied coating (i) added to the dip coating process, in gallons  
 $V_{ni}$  = Percent solids by volume of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction  
 $W_{oJ}$  = Percent VOC by weight of each thinner (J) added to the dip coating process, expressed as a decimal fraction  
 $D_{dJ}$  = Density of each thinner (J) added to the dip coating process, in pounds per gallon  
 $Q_J$  = Quantity of each thinner (J) added to the dip coating process, in gallons

- C. The VOC content of the as applied coating, expressed in units of weight of VOC per weight of coating solids, shall be calculated as follows:

$$VOC_B = (W_o)/(W_n)$$

Where:

$VOC_B$  = VOC content in lb VOC/lb of coating solids  
 $W_o$  = Weight percent of VOC ( $W_v - W_w - W_{ex}$ )  
 $W_v$  = Weight percent of total volatiles (100% - weight percent solids)  
 $W_w$  = Weight percent of water  
 $W_{ex}$  = Weight percent of exempt solvents  
 $W_n$  = Weight percent of solids of the as applied coating

- D. Sampling and testing shall be done in accordance with the procedures and test methods established by Part G (Methods).
2. The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method which is acceptable under §2105.01 (Equivalent Compliance Techniques). The overall efficiency of a control system, as determined by the test methods and procedures established by Part G, shall be no less than the equivalent overall efficiency calculated by the following equation:

$$O = (1 - E/V) \times 100$$

Where:

- V = The VOC content of the as applied coating, in lb VOC/gal of coating solids or lb VOC/lb of coating solids  
E = Table 2105.10 limit in lb VOC/gal of coating solids or lb VOC/lb of coating solids  
O = Overall control efficiency

- c. **Records.** The owner or operator of a facility, regardless of the facility's annual emission rate, which contains surface coating processes shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:
1. The following parameters for each coating, thinner, and other component as supplied:
    - A. The coating, thinner, or component name and identification number;
    - B. The volume used;
    - C. The mix ratio;
    - D. The density or specific gravity;
    - E. The weight percent of total volatiles, water, solids, and exempt solvents; and
    - F. The volume percent of solids for Table 2105.10 surface coating process categories 1-10.
    - G. The volume percent of solids for a Table 2105.10 surface coating process category 12 coating whose VOC content is expressed in units of weight of VOC per volume of coating solids.
  2. The VOC content of each coating, thinner, and other component as supplied.
  3. The VOC content of each as applied coating.
- The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.
- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1 - trichloroethane) and methylene chloride are exempt from control under this Section. No surface coating process which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Wood Furniture.** No person shall operate, or allow to be operated, any source subject to this Section that emits VOCs into the outdoor atmosphere from the application of wood furniture coatings unless the coatings are applied using electrostatic, airless, curtain coating, roll coating, hand roller, hand brush, flow coating, dip coating, or high volume-low pressure application equipment. Air atomized sprays may be used to apply cosmetic specialty coatings if the volume of the cosmetic specialty coatings is less than 5% by volume of the total coating used at the source or to apply final repair coatings.
- f. **Miscellaneous Metal Parts and Products.** If more than one emission limitation for miscellaneous metal parts and products applies to a specific coating, then the least stringent emission limitation shall apply.

- g. **Exempt Other.** The VOC standards in Table 2105.10 do not apply to a coating used exclusively for determining product quality and commercial acceptance, touch-up and repair, and other small quantity coatings if the coating meets the following criteria:

1. The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.
2. The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

**Table 2105.10**  
**Emission Limits of VOCs in Surface Coatings by Process Category**

		<b><u>Weight of VOC per Volume of Coating Solids</u></b>	
		lbs VOC per gal coating solids	kg VOC per liter coating solids
	<b><u>Surface Coating Process Category</u></b>		
1.	Can Coating		
	(a) sheet basecoat	4.62	0.55
	(b) can exterior	4.62	0.55
	(c) interior body spray	10.05	1.20
	(d) two piece can end exterior	10.05	1.20
	(e) side-seam spray	21.92	2.63
	(f) end sealing compound	7.32	0.88
2.	Coil coating	4.02	0.48
3.	Fabric coating	4.84	0.58
4.	Vinyl coating	7.69	0.92
5.	Paper coating	4.84	0.58
6.	Automobile and light duty truck coating		
	(a) prime coat	2.60	0.31
	(b) topcoat	4.62	0.55
	(c) repair	14.14	1.69
7.	Metal furniture coating	5.06	0.61
8.	Magnet wire coating	2.16	0.26
9.	Large appliance coating	4.62	0.55
10.	Miscellaneous metal parts and products		
	(a) topcoats for locomotives and heavy-duty trucks	6.67	0.80
	(b) hopper car and tank car interiors	6.67	0.80
	(c) pail and drum interiors	10.34	1.24
	(d) clear coatings	10.34	1.24
	(e) air-dried coatings	6.67	0.80
	(f) extreme performance coatings	6.67	0.80
	(g) all other coatings	5.06	0.61
		<b><u>Weight of VOC per Weight of Coating Solids</u></b>	
		lbs VOC per lb coating solids	kg VOC per kg coating solids
11.	Wood furniture manufacturing operations		
	(a) topcoats and enamels	3.0	3.0
	(b) washcoat	14.3	14.3
	(c) final repair coat	3.3	3.3
	(d) basecoats	2.2	2.2
	(e) cosmetic specialty coatings	14.3	14.3
	(f) sealers	3.9	3.9

12. Shipbuilding and ship repair coatings

**Weight of VOC per Volume of Coating Less Water and Exempt Compounds<sup>a b</sup>**

	lbs VOC per gallon coating less water and exempt compounds	grams VOC per liter coating less water and exempt compounds
(i) General use, including coal tar epoxy coatings	2.83	340
(ii) Specialty coating		
(a) Air flask	2.83	340
(b) Antenna	4.42	530
(c) Antifoulant	3.33	400
(d) Heat resistant	3.50	420
(e) High-gloss	3.50	420
(f) High-temperature	4.17	500
(g) Inorganic zinc high build primer	2.83	340
(h) Military exterior	2.83	340
(i) Mist	5.08	610
(j) Navigational aids	4.58	550
(k) Nonskid	2.83	340
(l) Nuclear	3.50	420
(m) Organic zinc	3.00	360
(n) Pretreatment wash primer	6.50	780
(o) Repair and maintenance of thermoplastic coating of commercial vessels	4.58	550
(p) Rubber camouflage	2.83	340
(q) Sealant for thermal spray aluminum	5.08	610
(r) Special marking	4.08	490
(s) Specialty interior	2.83	340
(t) Tack	5.08	610
(u) Undersea weapons systems	2.83	340
(v) Weld-through preconstruction primer	5.42	650

**Weight of VOC per Volume of Coating Solids<sup>c</sup>**

	At temperature less than 4.5°C (40°F) <sup>d</sup>		At temperature equal to or greater than 4.5°C (40°F)	
	<i>lbs VOC per gallon coating solids</i>	<i>grams VOC per liter coating solids</i>	<i>lbs VOC per gallon coating solids</i>	<i>grams VOC per liter coating solids</i>
(i) General use, including coal tar epoxy coatings	6.07	728	4.76	571
(ii) Specialty coating				
(a) Air flask	6.07	728	4.76	571
(b) Antenna	12.01	1,439	12.01	1,439
(c) Antifoulant	8.10	971	6.38	765
(d) Heat resistant	8.92	1,069	7.02	841
(e) High-gloss	8.92	1,069	7.02	841
(f) High-temperature	13.33	1,597	10.32	1,237
(g) Inorganic zinc high build primer	6.07	728	4.76	571
(h) Military exterior	6.07	728	4.76	571
(i) Mist	18.64	2,235	18.64	2,235
(j) Navigational aids	13.33	1,597	13.33	1,597
(k) Nonskid	6.07	728	4.76	571

(l) Nuclear	8.92	1,069	7.02	841
(m) Organic zinc	6.69	802	5.26	630
(n) Pretreatment wash primer	92.58	11,095	92.58	11,095
(o) Repair and maintenance of thermoplastic coating of commercial vessels	13.33	1,597	13.32	1,597
(p) Rubber camouflage	6.07	728	4.76	571
(q) Sealant for thermal spray aluminum	18.65	2,235	18.65	2,235
(r) Special marking	9.83	1,178	9.83	1,178
(s) Specialty interior	6.07	728	4.76	571
(t) Tack	18.65	2,235	18.65	2,235
(u) Undersea weapons systems	6.07	728	4.76	571
(v) Weld-through preconstruction primer	24.07	2,885	24.07	2,885

<sup>a</sup> The limits are expressed in two sets of equivalent units: pounds (lbs) per gallon and grams per liter. Either set of limits may be used to demonstrate compliance.

<sup>b</sup> To convert from grams per liter to pounds (lbs) per gallon, multiply the limit by (3.785 liter/gallon) (1/453.6 pound/gram) or 1/120. For compliance purposes, metric units define the standards.

<sup>c</sup> VOC limits expressed in units of mass of VOC per volume of solids were derived from the VOC limits expressed in units of mass of VOC per volume of coating less water and exempt compounds by assuming the coating contains no water or exempt compounds and that the volumes of all components within the coating are additive.

<sup>d</sup> These limits apply during cold weather time periods, that is, temperatures below 4.5°C (40°F). Cold weather allowances are not given to coatings in categories that allow less than 40% solids (nonvolatiles) content by volume. These coatings are subject to the single limit regardless of weather conditions and temperatures.



**§2105.11 GRAPHIC ARTS SYSTEMS** *{Subsection f added May 29, 2013, effective June 8, 2013. Subsection e amended October 26, 2022, effective November 5, 2022.}*

- a. This Section applies to sources whose rotogravure and flexographic printing presses in themselves, or in combination with any surface coating operations subject to the provisions of Section 2105.10 of this Article (relating to Surface Coating Processes), have a potential uncontrolled emission rate of 1000 pounds or more per day or 100 tons or more per year of volatile organic compounds, including emissions from solvents used for clean-up and purging. No person shall operate, or allow to be operated, any source to which this Section applies, unless one of the following emission limitations is met:
  1. The volatile fraction of the ink, as applied to the substrate, contains 25.0 percent by volume or less of VOC and 75.0 percent by volume or more of water;
  2. The ink, as applied to the substrate, contains 60.0 percent by volume or more of solid material; or
  3. There is in operation a carbon adsorption system, an incinerator system, or an alternative volatile organic compound emission control system which recovers or destroys at least 90 percent by weight of the volatile organic compounds entering the system.
- b. Any person who seeks to comply with the requirements of this Section through the installation and operation of an emission control system as provided by Paragraph a.3 above shall operate such emission control system in conjunction with an emission capture system which is designed and operated consistent with good engineering practice and which achieves a contemporaneous, overall reduction in volatile organic compound emissions from each ink/press of at least:
  1. 75.0 percent from publication rotogravure processes;
  2. 65.0 percent from other rotogravure processes; and,
  3. 60.0 percent from flexographic printing processes.
- c. Presses which are used only to check the quality of the image formation of newly etched or engraved printing cylinders are exempted from this Section provided the aggregate emissions from the presses do not exceed 400 pounds in any 30 day running period.
- d. **Exempt Solvents.**

The solvents methyl chloroform (1, 1, 1-trichloroethane) and methylene chloride are exempt from control under this Section. No graphic arts process which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Measurements.**

Measurements of the volatile fraction of inks and of volatile organic compound emissions shall be performed according to the applicable procedures established by Part G of this Article.
- f. **Exempt Other.**

The owner or operator of a flexible package printing press subject to §2105.81, Control Of VOC Emissions From Flexible Package Printing, is no longer subject to all subparagraphs of §2105.11, Graphic Arts Systems, and shall be subject to all subparagraphs of §2105.81 as of January 1, 2012.

## §2105.12 VOLATILE ORGANIC COMPOUND STORAGE TANKS

*{Subsection b amended October 26, 2022, effective November 5, 2022.}*

- a. **Capacity Greater Than or Equal to 2,000 Gallons But Less Than or Equal to 40,000 Gallons.** No person shall place or store, or allow to be placed or stored, a volatile organic compound having a vapor pressure of 1.5 psia under actual storage conditions in any above-ground stationary storage tank having a capacity equal to or greater than 2,000 gallons but less than or equal to 40,000 gallons, unless there is in operation on such tank pressure relief valves which are set to release at the higher of 0.7 psig of pressure or 0.3 psig of vacuum or at the highest possible pressure and vacuum in accordance with state or local fire codes, National Fire Prevention Association guidelines, or other national consensus standard approved in writing by the Department. Petroleum liquid storage vessels which are used to store produced crude oil and condensate prior to lease custody transfer are exempt from the requirement of this Subsection.
- b. **Capacity Greater Than 40,000 Gallons.** No person shall place or store, or allow to be placed or stored, a volatile organic compound having a vapor pressure greater than 1.5 psia under actual storage conditions in any stationary tank, reservoir, or other container with a capacity greater than 40,000 gallons, unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressure sufficient to at all times prevent vapor or gas loss to the atmosphere or is equipped with:
  1. An external or internal floating roof, except that this control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 psia or greater under actual storage conditions; or
  2. A vapor recovery and disposal system reducing uncontrolled emissions of volatile organic compounds by at least 90% by weight. Compliance testing shall be done in accordance with the provisions of Part G of this Article.

This Subsection does not apply to petroleum liquid storage tanks used to store waxy, heavy-pour crude oil or to tanks having a capacity less than 420,000 gallons used to store produced crude oil and condensate prior to lease custody transfer.

- c. **Requirements for Floating Roofs.** Floating roofs required by Subsection b above shall comply with the following requirements:
  1. External floating roofs shall be fitted with a primary seal and a continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal). In addition, external floating roofs shall meet all of the following equipment requirements:
    - A. All seal closure devices must meet the following requirements:
      - i. There shall be no visible holes, tears, or other openings in the seals or seal fabric;
      - ii. The seals shall be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and
      - iii. For tanks with vapor-mounted primary seals, the accumulated area of gaps exceeding 1/8 inch in width between the secondary seal and the tank wall shall not exceed 1.0 square inches per foot of tank diameter. Compliance with this requirement shall be determined by physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 1/8 inch uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and tank wall and by summing the area of the individual gaps.

- B. All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves shall be:
    - i. Equipped with covers, seals, or lids which are kept in the closed position except when the openings are in actual use; and,
    - ii. Equipped with projections into the tank which remain below the liquid surface at all times.
  - C. Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports.
  - D. Rim vents shall be set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting.
  - E. Emergency roof drains shall be provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.
2. Internal floating roofs shall be fitted with a primary seal and shall comply with all of the following equipment requirements:
- A. A closure seal, or seals, to close the space between the roof edge and tank wall shall be used.
  - B. There shall be no holes, tears, or other openings in the seal or any seal fabric or materials.
  - C. All openings except stub drains shall be equipped with covers, lids, or seals such that:
    - i. The cover, lid, or seal is in the closed position at all times except when in actual use;
    - ii. Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and,
    - iii. Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.
- d. For volatile organic compounds whose storage temperature is governed by ambient weather conditions, the vapor pressure under actual storage conditions shall be determined using a temperature which is representative of the average storage temperature for the hottest month of the year in which such storage takes place.
- e. For purposes of this Section, existing petroleum liquid storage tanks of the following types are deemed to comply with the equipment requirements of this Section. Such tanks shall comply with the inspection and record-keeping requirements of Subsection f of this Section.
- 1. Tanks which contain a petroleum liquid with a true vapor pressure less than 4.0 psia and which are of welded construction and which presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved in writing by the Department; and
  - 2. Tanks which are welded construction, equipped with a metallic-type shoe primary seal and which have a secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).

- f. **Inspection and Record-Keeping.** Any person who operates, or allows to be operated, a petroleum liquid storage tank with a floating roof subject to this Article shall:
1. Perform routine inspections annually in order to ensure compliance with this Article, including a visual inspection of the secondary seal gap when inspecting external floating roof tanks;
  2. For external floating roof tanks, measure the secondary seal gap annually in accordance with this Article when the floating roof is equipped with a vapor-mounted primary seal; and
  3. Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed pursuant to this Section. Copies of such records shall be retained for at least two years and shall be made available to the Department upon request for inspection or copying.

### §2105.13 GASOLINE LOADING FACILITIES

*{Subsection e amended 7/12/2022, effective 7/22/2022. Subsections b, c & f amended October 26, 2022, effective November 5, 2022.}*

- a. **Handling.** No person shall handle, or allow to be handled, gasoline in any bulk gasoline terminal, bulk gasoline plant, or other source subject to this Section in such manner that it is spilled, discarded in sewers, stored in open containers, or otherwise handled so as to result in uncontrolled evaporation into the open air.
- b. **Transfers.** No person shall transfer, or allow the transfer of, gasoline between any tank truck or trailer and any stationary storage tank located in a bulk gasoline terminal or bulk gasoline plant, or any small gasoline storage tank to which Subsection e below applies, unless:
1. A vapor balance system is in good working order and is designed and operated during the transfer in such manner that:
    - A. Gauge pressure does not exceed 18 inches of water and vacuum does not exceed six inches of water in the gasoline tank truck;
    - B. Readings do not equal or exceed 100 percent of the lower explosive limit (LEL, measured as propane) at one inch from all points on the perimeter of a potential leak source when measured by the method established by Part G of this Article during transfer operations; and
    - C. There are no avoidable visible liquid leaks during trans operations;
  2. Any truck, vapor balance system, or vapor disposal system, where applicable, that exceeds the limits in Paragraph b.1 above is repaired and retested according to the method established by Part G of this Article within 15 days;
  3. There are no visually or audibly detectable leaks in the pressure/vacuum relief valves and hatch covers of the tank truck or the pressure/relief valves and hatch covers of the trailer, the truck tanks or storage tanks, or associated vapor and liquid lines during transfer; and
  4. The pressure and vacuum relief valves on stationary and vehicular tanks are set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum or the highest allowable pressure and vacuum as specified in state or local fire codes, or the National Fire Prevention Association guidelines or other national consensus standard approved in writing by the Department. Upon demonstration to the Department's written satisfaction by the owner or operator of an underground small gasoline storage tank that the vapor balance system required by Subsection e below will achieve a 90% vapor recovery efficiency without a pressure and vacuum relief valve and that an interlock system sufficient to ensure connection of the vapor recovery line prior to transfer of gasoline will be used, no pressure and vacuum relief valve shall be required. The vacuum setting on the pressure and vacuum relief valve on an underground storage tank may be set at the lowest vacuum setting which is sufficient to keep the vent closed at zero pressure and vacuum.

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

Compliance testing shall be done according to the provisions of Part G of this Article.

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

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

1. There is in operation on such stationary tank:
    - A. A vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; or
    - B. A floating roof complying with Paragraph b.1 and Subsection c of §2105.12 under this Article and a vapor recovery and disposal system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; and
  2. Any person who operates, or allows to be operated, a bulk gasoline plant shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.
- e. **Small Gasoline Storage Tanks.** No person shall load, or allow to be loaded, gasoline from any vehicular tank into any stationary storage tank having a capacity of 250 gallons or more if installed on or after January 1, 1979, or 2,000 gallons or more if installed before January 1, 1979, which is located in any gasoline handling facility unless there is in operation on such storage tank a vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section and unless the stationary tank is equipped with a submerged fill pipe extending to within six inches of the bottom of the tank throughout the loading operation.

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

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

1. An owner or operator of a gasoline storage tank subject to this subsection may also be subject to 25 Pa. Code § 129.61a, "Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control," which is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code § 129.61a and defined in 25 Pa. Code § 121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
  2. For the purposes of this subsection, references in 25 Pa. Code § 129.61a to:
    - A. "Department" shall mean Department as defined under this Article, except at 25 Pa. Code § 129.61a(k)(2) relating to the PA DEP publishing notice in the Pennsylvania Bulletin of a CARB Executive Order of Certification of a second manufacturer for an enhanced conventional nozzle;
    - B. 25 Pa. Code § 129.61, shall mean Article XXI, §2105.13.e;
    - C. 25 Pa. Code § 129.127, shall mean Article XXI, Parts B and C; and
    - D. "Plan approval" shall mean Installation Permit.
- f. **Gasoline Tank Trucks.** No person shall transfer, or allow the transfer of, gasoline into or from a gasoline tank truck subject to Subsections c, d, or e above unless such tank truck:
1. Has been tested within the prior 12-month period in accordance with the procedure established by Part G of this Article;
  2. Sustains a pressure change no more than 3 inches of water in five minutes when pressurized to a gauge pressure of 18 inches of water or evacuated to a gauge pressure of six inches of water during such testing;
  3. Is repaired and retested within 15 days of a test which does not meet the requirements of Paragraph 2 of this Subsection; and
  4. Displays a clear marking near the federal Department of Transportation certification plate which shows the most recent date upon which the gasoline tank truck passed the test required by this Subsection.
- g. **Record-Keeping.** Any person who operates, or allows to be operated, a gasoline tank truck subject to the requirements of Subsection f above shall comply with the following record-keeping requirements:
1. Records of all tests and repairs shall be maintained in a legible, readily available condition for two (2) years after the date the testing or repair was completed. Such records shall include at a minimum:
    - A. The gasoline tank truck serial number and identification of the vapor collection system involved;
    - B. The date of testing;
    - C. If applicable, the type of repair and the dates of repair and retesting;
    - D. For each test or retest, the initial test pressure and the time of the reading, the final test pressure and the time of the reading, the initial test vacuum and the time of the reading, and the final test vacuum and the time of the reading;
    - E. At the top of each page, the company name, and the date and location of the tests on the page; and
    - F. The name and title of the person conducting the test; and

2. Copies of all records and reports made pursuant to this Subsection shall be made available to the Department upon request for inspection and copying. A copy of the test results for each gasoline tank truck shall be kept with the truck.

#### **§2105.14 GASOLINE DISPENSING FACILITIES – STAGE II CONTROL**

*{Section amended June 13, 2005, effective July 10, 2005. Section amended July 12, 2022, effective July 22, 2022.}*

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

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

1. “Department” shall mean Department as defined under this Article;
  2. 25 Pa. Code § 129.61, shall mean Article XXI, §2105.13.e;
  3. 25 Pa. Code § 129.82, shall mean Article XXI, §2105.14;
  4. 25 Pa. Code § 129.127, shall mean Article XXI, Parts B and C; and
  5. “Plan approval” shall mean Installation Permit.
- c. **General Requirements.** The owner or operator, or both, of a gasoline dispensing facility subject to this Section shall meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under 25 Pa. Code § 129.82a, (relating to requirements to decommission a Stage II vapor recovery system):
    1. Maintain a Department approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 95% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.
    2. Provide necessary maintenance and make modifications necessary to comply with this section.
    3. Provide adequate training and written instructions to the operator of the gasoline dispensing facility to assure proper operation of the Stage II vapor recovery system.
    4. Immediately remove from service and tag a defective vapor recovery hose, nozzle or other component of the Stage II vapor recovery system until the defective component is replaced or repaired.
      - A. A component removed from service may not be returned to service until the defect is corrected.
      - B. If the Department finds during an inspection that a defective vapor recovery hose, nozzle or other component of the Stage II vapor recovery system is not properly tagged, the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.
    5. Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area which, at a minimum, include:

- A. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.
  - B. A warning that continued attempts to dispense gasoline after the system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor recovery system.
  - C. A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.
6. Comply with the functional testing and certification requirements specified in EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act.
- A. The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance recovery system shall conduct the following test procedures:
    - i. A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.
    - ii. A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.
  - B. The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.
  - C. The owner or operator of a gasoline dispensing facility that conducts a test procedure under subparagraph A or B shall do all of the following:
    - i. Conduct the test procedures in subparagraph A simultaneously, consecutively or separately at different times of the 5-year period.
    - ii. Conduct the test procedure in subparagraph B simultaneously with, consecutively with or separately from the test procedures in 25 Pa. Code § 129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.
    - iii. Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.
    - iv. Record all of the following information, as applicable, for each test procedure performed under subparagraph A or B:
      - (a) The name of the test procedure.
      - (b) The name of the person performing the test procedure.
      - (c) The date the test procedure was performed.
      - (d) The result of the test procedure.
      - (e) The date, time, type and duration of a test procedure failure.
      - (f) The name of the person correcting the test procedure failure.



- (g) The date the test procedure failure was corrected.
- (h) The action taken to correct the test procedure failure.

7. Maintain written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of the gasoline dispensing system test procedure results, monthly throughput, type and duration of any failure of the system, maintenance and repair activities, training, and compliance records. The records shall be kept for two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date, unless a longer period is required under Parts B and C (relating to construction, modification, reactivation and operation of sources) or an installation permit, operating permit, consent decree or order issued by the Department.
- d. **Additional requirements.** . An owner and operator of a gasoline storage tank subject to this section may also be subject to 25 Pa. Code § 129.61a and § 129.82a.

## §2105.15 DEGREASING OPERATIONS

- a. **Cold Cleaning Degreaser.** No person shall operate, or allow to be operated, any cold cleaning degreaser with a degreaser opening exceeding ten (10) square feet, unless:
  1. There is in operation on such degreaser:
    - A. A cover to prevent evaporation of solvent during periods of non-use;
    - B. Equipment for draining cleaned parts; and
    - C. A permanent conspicuous label summarizing the operating requirements set forth in Paragraph a.2 below; and
  2. Such degreaser is operated at all times in such manner that:
    - A. Waste solvents are transferred to another party or disposed of by means insuring that no more than 20% by weight of the solvents evaporate into the open air;
    - B. Waste solvents are stored in covered containers;
    - C. The degreaser cover is closed when parts are not being processed through the degreaser; and,
    - D. Cleaned parts are drained for at least 15 seconds or until dripping ceases.
- b. **Open Top Vapor Degreaser.** No person shall operate, or allow to be operated, any open top vapor degreaser with a degreaser opening exceeding ten (10) square feet, unless:
  1. Such degreaser has:
    - A. A freeboard ratio greater than or equal to 0.75 and, if the degreaser opening is greater than ten square feet, the degreaser cover is powered;
    - B. A refrigerated chiller in operation;
    - C. An enclosed design in which the cover or door opens only when the dry part is actually entering or exiting the degreaser; or

- D. A carbon adsorption system in operation:
  - i. With ventilation greater than 50 cfm/ft<sup>2</sup> of air/vapor area when the cover is open; and
  - ii. Which emits less than 25 ppm of solvent by volume averaged over one complete adsorption cycle; and,
- 2. There is in operation on such degreaser:
  - A. A cover that can be opened and closed easily without disturbing the vapor zone;
  - B. A safety switch which shuts off the sump heat if condenser coolant is either not circulating or too warm (condenser flow switch and thermostat);
  - C. A safety switch shuts off the spray pump if the vapor level drops more than four inches; and
  - D. A permanent conspicuous label summarizing the operating requirements set forth in Paragraph b.3 below; and
- 3. Such degreaser is operated at all times in such manner that:
  - A. The degreaser cover is closed when parts are not being processed through the degreaser;
  - B. All parts being degreased are racked to allow full drainage;
  - C. Parts being degreased are moved in and out of the degreaser at less than 11 feet per minute;
  - D. All pools of solvent on degreased parts are drained before the parts are removed from the degreaser;
  - E. All degreased parts are drained within the degreaser for at least 15 seconds or until visually dry;
  - F. Porous or absorbent materials, such as cloth, leather, wood or rope, are not degreased;
  - G. Parts being degreased do not occupy more than half of the degreaser's open top area;
  - H. Spraying is not done above the vapor level;
  - I. Solvent leaks are immediately repaired or the degreaser immediately shut down;
  - J. Waste solvents are transferred to another party or disposed of by a means insuring that no more than 20% by weight of the solvents evaporate into the open air;
  - K. Waste solvents are stored in covered containers;
  - L. Exhaust ventilation does not exceed 65 cfm/ft<sup>2</sup> of degreaser opening, unless necessary to meet federal Occupational Safety and Health Administration (OSHA) requirements;
  - M. Ventilation fans are not operated near the degreaser opening; and,
  - N. Water is not visually detectable in solvent exiting the water separator.

- c. **Conveyorized Degreasers.** No person shall operate, or allow to be operated, any conveyorized degreaser with a degreaser opening exceeding ten (10) square feet, unless:
1. There is in operation on such degreaser:
    - A. A refrigerator chiller or a carbon adsorption system, with ventilation greater than 50 cfm/ft<sup>2</sup> of air/vapor area when downtime covers are open and which emits less than 25 parts per million of solvent by volume averaged over one complete adsorption cycle;
    - B. A drying tunnel or another means such as a rotating (tumbling) basket sufficient to prevent degreased parts from carrying solvent liquid or vapor out of the degreaser;
    - C. A safety switch which shuts off the sump heat if condenser coolant is either not circulating or too warm (condenser flow switch and thermostat);
    - D. A safety switch which shuts off the spray pump if the vapor level drops more than four inches;
    - E. A safety switch which shuts off the sump heat when the vapor level rises too high (vapor level control thermostat);
    - F. Entrances and exits which silhouette the parts to be degreased so that the average clearance between parts and the edge of the degreaser is either less than four inches or less than ten percent (10%) of the width of the opening;
    - G. Covers for closing off the entrances and exits during shutdown hours; and
    - H. A permanent conspicuous label summarizing the operating requirements set forth in Paragraph c.2 below; and
  2. Such degreaser is operated at all times in such manner that:
    - A. Exhaust ventilation does not exceed 65 cfm/ft<sup>2</sup> of degreaser opening, unless necessary to meet federal Occupational Safety and Health Administration (OSHA) requirements and work place fans are not used near the degreaser opening;
    - B. Carry-out emissions are minimized by racking parts for best drainage and by maintaining vertical conveyor speed at less than 11 feet per minute;
    - C. Waste solvents are transferred to another party or disposed of by a means insuring that no more than 20% by weight of the solvents evaporate into the open air;
    - D. Waste solvents are stored in covered containers;
    - E. Solvent leaks are immediately repaired or the degreaser shut down;
    - F. Water is not visually detectable in solvent exiting the water separator; and,
    - G. Downtime covers are placed over conveyor entrances and exits immediately after the conveyor and exhaust are shut down and immediately before they are started up.

## §2105.16 CUTBACK ASPHALT PAVING

- a. No person may cause, allow, or permit the use or application of cutback asphalt for paving operations except when:
  1. Long-life stockpile is necessary;
  2. Use or application between October 31 and April 30 is necessary;
  3. The cutback asphalt is used solely as a penetrating prime coat, a dust palliative, a tack coat, or a precoating of aggregate; or
  4. Skin patching is necessary during October. Skin patching shall be less than 500 feet continuous length, 1300 linear feet per mile, and 1750 square yards per lane mile.
- b. No person shall use or apply emulsion asphalts that contain more than the maximum percentage of solvent shown in Table 2105.16.

**TABLE 2105.16**

<u>Emulsion Grade</u>	<u>Type</u>	<u>Max. % Solvent</u>
E-1	Rapid Setting	0
E-2	Rapid Setting (Anionic)	0
E-3	Rapid Setting (Cationic)	3
E-4	Medium Setting	12
E-5	Medium Setting	12
E-6	Slow Setting (Soft Residue)	0
E-8	Slow Setting (Hard Residue)	0
E-10	Medium Setting (High Float)	7
E-11	High Float	7
E-12	Medium Setting (Cationic)	8

## §2105.17 ETHYLENE PRODUCTION PROCESSES

No person shall operate, or allow the operation of, any ethylene production process, unless all waste gas streams are properly incinerated at no less than 1,300 F (700 C) for at least 0.3 seconds and the gases from all vapor blowdown systems are burned by smokeless flares.

## **§2105.18 DRY CLEANING FACILITIES**

*{Subsections a & b amended October 26, 2022, effective November 5, 2022. Paragraph b.10 added 11/5/2025, effective 11/15/2025.}*

### **a. Perchloroethylene Dry Cleaning Facilities.**

1. Emissions of perchloroethylene from any dry cleaning facility shall be vented through a properly functioning condenser or carbon adsorption system.
2. In addition, such dry cleaning facilities shall comply with the following:
  - A. Diatomaceous earth filters shall be cooked or otherwise treated so that the residue contains no more than 25 percent by weight of volatile organic compounds;
  - B. Wet waste material from all solvents stills shall be reduced to no more than 60 percent by weight of volatile organic compounds;
  - C. All filtration cartridges shall be drained in the filter housing for a minimum of 24 hours before being discarded; and
  - D. Any component, including hose connections, valves, machine door gaskets, pumps, storage containers, water separators, filter sludge recovery units, distillation units, cartridge filters, and lint depositories found to be leaking volatile organic compounds shall be replaced or repaired within 24 hours of discovery of the leak.
3. **Measurements.** Measurements relating to this Section shall be performed according to the applicable procedures established by Part G of this Article.

### **b. Petroleum Solvent Dry Cleaning Facilities.** This Subsection applies to all petroleum solvent dry cleaning facilities, as defined in §2101.20 of this Article, that consume 100 gallons or more of petroleum solvent on a daily basis.

1. Any person who operates, or allows to be operated, any petroleum solvent dry cleaning dryer subject to this Section shall at all times limit daily VOC emissions to the atmosphere to an average of 3.5 pounds of VOCs per 100 pounds dry weight of articles dry cleaned; or shall install, maintain, and operate a solvent recovery dryer in a manner such that the dryer remains closed and the recovery phase continues until a final recovered solvent flow rate of no more than 50 milliliters per minute is attained and maintained.
2. Any person who operates, or allows to be operated, any petroleum solvent filtration system subject to this Section shall at all times reduce the VOC content in all filtration wastes to one (1) pound or less per 100 pounds dry weight of article dry cleaned, before disposal and possible exposure to the atmosphere; or shall install, maintain, and operate a cartridge filtration system, and drain the filter cartridges in their sealed housings for eight (8) hours or more before their removal.
3. Any person who operates, or allows to be operated, any petroleum solvent dry cleaning facility subject to this Section shall repair all petroleum solvent vapor and liquid leaks within three (3) working days after identifying the sources of the leaks. If necessary repair parts are not in hand, such parts shall be ordered within three (3) working days, and repair the leaks no later than three (3) working days following the arrival of the necessary parts.
4. Any person who operates, or allows to be operated, any petroleum solvent dry cleaning facility subject to this Section shall install, maintain, and operate equipment consistent with manufacturer's specifications and recommendations in order to minimize VOC emissions. In addition, all fugitive VOC emissions from the storage, handling, and transfer of petroleum solvent

and petroleum solvent containing materials shall be minimized through employment of appropriate operating practice or procedures to reduce solvent loss and evaporation to the atmosphere.

5. Any person who operates, or allows to be operated, any affected petroleum solvent dry cleaning facility shall demonstrate compliance as follows:
  - A. For any dryer:
    - i. Calculate, record, and report to the Department the weight of VOCs vented from the dryer emission control device calculated by using the appropriate method established by Part G of this Article;
    - ii. Calculate, record, and report to the Department the dry weight of articles dry cleaned; and
    - iii. Repeat Subparagraphs 5.A.i and 5.A.ii above for normal operating conditions that encompass at least 30 dryer loads, which total not less than 4,000 lbs. dry weight, and represent a normal range of variations in fabric, solvents, load weights, temperatures, flow rates, and process deviations;
  - B. When a solvent recovery dryer is used, verify that the flow rate of recovered solvent from the solvent recovery dryer at the termination of the recovery phase is no greater than 50 milliliters per minute. This one-time procedure shall be conducted for a duration of no less than two weeks during which no less than 50 percent of the dryer loads shall be monitored for their final recovered solvent rate. The flow rate of recovered solvent shall be measured from the solvent-water separator unless otherwise approved in writing by the Department. Near the end of the recovery cycle, the flow of recovered solvent shall be diverted to a graduated cylinder. The cycle shall continue until the maximum flow of solvent is no more than 50 milliliters per minute. The dry weight and type of article cleaned and the total length of the cycle shall be recorded and reported to the Department; and
  - C. Where employing a petroleum solvent filtration system, but not employing cartridge filters:
    - i. Calculate, record, and report to the Department the weight of VOCs contained in each of at least five 3-pound samples of filtration waste material taken at intervals of at least one week by employing the appropriate method established by Part G of this Article;
    - ii. Calculate, record, and report to the Department the total dry weight of articles dry cleaned during the intervals between removal of filtration waste samples, as well as the total mass of filtration waste produced in the same period; and
    - iii. Calculate, record, and report to the Department the weight of VOCs contained in filtration waste material per 100 pounds dry weight of articles dry cleaned.
6. Inspection and maintenance.
  - A. Any person who operates, or allows to be operated, any affected petroleum solvent dry cleaning facility shall submit for approval to the Department an inspection and maintenance protocol including daily inspections of washers, dryers, solvent filters, settling tanks, vacuum stills, and all containers and conveyors of petroleum solvent to identify perceptible vapor or liquid leaks. A daily log shall be maintained to record the inspection and maintenance activities conducted under the approved protocol. The log

shall be prepared and maintained in a format to be approved by the Department as part of the approved protocol.

- B. Dry cleaning system components found leaking liquid solvent shall be repaired immediately. Pipes, hoses, and fittings shall be examined for active dripping or dampness. Pumps and filters shall be closely inspected for leaks around seals and access covers. There shall be no visible signs of liquid solvent.
  - C. Solvent vapor leaks shall be controlled by reducing the number of sources where solvent is exposed to the atmosphere. Under no circumstances shall there be any open containers (cans, buckets, barrels) of solvent or solvent-containing material. Equipment containing solvent (washers, dryers, extractors, and filters) shall remain closed at all times other than during maintenance or load transfer. Lint filter and button trap covers shall remain closed except when solvent-laden lint and debris are removed. Gaskets and seals should be inspected and replaced when found weak and defective. Solvent-laden clothes shall never be allowed to set exposed to the atmosphere for longer periods than are necessary for load transfers. Vents on solvent-containing waste and new solvent storage tanks shall be constructed and maintained in a manner that minimizes solvent vapor emissions.
- 7. Any person who operates, or allows to be operated, any affected petroleum solvent dry cleaning facility shall install, operate, and maintain equipment consistent with manufacturer's specifications and recommendations.
  - 8. Any person who operates, or allows to be operated, any affected petroleum solvent dry cleaning facility shall maintain copies of all manufacturer's specifications and recommendations for dry cleaning equipment operated at the facility and records of operations, inspections, and maintenance such that the Department can determine compliance. These records shall be retained at the facility for a period of at least two (2) years, shall be made available to the Department for inspection and copying upon request, and shall, at a minimum, include:
    - A. Information on purchases, inventory, and daily consumption of petroleum solvents;
    - B. Operational information on washers, dryers, and solvent filtration systems, including daily hours of operation, cycle times, and dry weight of articles cleaned; and
    - C. Information on leak inspections and repairs for all equipment and components handling petroleum solvents.
  - 9. Any person who operates, or allows to be operated, any affected petroleum solvent dry cleaning facility shall submit reports to the Department summarizing information on daily operations, inspections, and maintenance activities, and such other information as is required by the Department to determine compliance, on a schedule and in a form and manner as is prescribed by the Department.
  - 10. Exemption. The owner or operator of a petroleum solvent dry cleaning facility subject to Subsection b claiming exemption from the requirements of Paragraphs b.1 to b.9 shall maintain records of annual solvent consumption onsite for five (5) years to demonstrate that the applicability threshold of Subsection b has not been exceeded.

**§2105.19      SYNTHETIC ORGANIC CHEMICAL AND POLYMER  
MANUFACTURING - FUGITIVE SOURCES**

*{Subsection c amended October 26, 2022, effective November 5, 2022.}*

- a. This Section applies to sources with synthetic organic chemical and polymer manufacturing sources, other than equipment exempt under Subsection b below, having a design capacity to manufacture a total of 4,000 tons per year or more of any one or a combination of the following:
  - 1. Synthetic organic chemicals listed in 40 CFR 60.489, as amended;
  - 2. Methyl tert-butyl ether (MTBE);
  - 3. Polyethylene;
  - 4. Polypropylene; and
  - 5. Polystyrene.
- b. This Section shall not apply to:
  - 1. Equipment operated entirely under a vacuum;
  - 2. Equipment processing only fluids containing less than ten percent (10%) by weight of volatile organic compounds; nor
  - 3. Equipment processing only fluids having a vapor pressure of less than 0.044 pounds per square inch absolute under standard conditions.
- c. Any person who operates, or allows to be operated, a source subject to this Section shall, as a condition to any Installation Permit for such source:
  - 1. Install a second valve, blind flange, plug, cap, or other equivalent sealing system on all open ended lines, except those equipped with safety pressure relief valves; and
  - 2. Develop and initiate a leak detection and repair program for all pumps, valves, compressors, and safety pressure relief valves collectively referred to as components. The leak detection and repair program shall include, at a minimum, the following:
    - A. Attachment of an identification tag to or placement of any other permanent identification marking on each component. The identification shall be waterproof, be readily visible, and bear an identification number;
    - B. A leak check every three (3) months of all components and at any time of any component with a leak that is detected by sight, sound, or smell, by methods established by Part G of this Article;
    - C. Attachment of a leak detection tag to each leaking component having a volatile organic compound leak equal to or greater than 10,000 ppm. The leak detection tag shall be waterproof, be readily visible, be a color that contrasts with the permanent identification, bear a leak detection number and the date on which the leak was detected, and indicate if the component cannot be repaired until a process shutdown and a shutdown is not scheduled to occur within 15 days from the date of detection. The leak detection tag shall not be removed from the component until the component has been repaired and retested, and the test indicates that the component does not have a volatile organic compound leak equal to or greater than 10,000 ppm;
    - D. Repair and retest of each leaking component within 15 days of detection or as soon as possible if a shutdown is required to make the repair;



- E. A leak check of each safety/relief valve within 24 hours after such valve has been vented to the atmosphere, by methods established by Part G of this Article; and
- F. Initiation and maintenance of a log of all components subject to leak inspection and maintenance. The log shall contain, at a minimum, the following:
  - i. The identification number of each component;
  - ii. The date on which each component was checked;
  - iii. The total number of components checked;
  - iv. The identification and leak detection number of each component found leaking;
  - v. The location of each leaking component;
  - vi. The type of each leaking component (for example: valve, seal, etc.);
  - vii. The date on which each leaking component was discovered to be leaking;
  - viii. The date of each repair;
  - ix. The total number of components found leaking;
  - x. The leak detection instrument readings before and after each repair;
  - xi. Each component that can not be repaired until a process shutdown that will not occur within 15 days of detection; and
  - xii. A record of the calibration of the leak detection monitoring instrument.

The monitoring log shall be retained for two (2) years after the date on which any leak check was made. The log shall be made available to the Department for inspection and copying at any time upon oral or written request.

- d. Any person who operates, or allows to be operated, a source subject to this Section may submit to the Department for approval an alternative plan for the control of leaks from components, including a plan with less frequent testing based on superior past performance. The Department shall approve any plan that is equivalent to or better than the requirements of this Section in terms of leak control efficiency and enforceability. A plan approved by the Department under this Subsection shall not be effective until it is either approved by the EPA as a revision to the County's portion of the applicable SIP or becomes a part of a federally enforceable permit or order, whichever is first.
- e. Any person who operates, or allows to be operated, a source subject to this Section may submit to the Department for approval a list of components the inspection of which would involve a significant element of danger. The Department shall exempt the components on the list from the requirements of this Section if such person can demonstrate to the satisfaction of the Department that a significant element of danger exists which cannot be reasonably eliminated, and that the exemptions will not result in a significant reduction of the volatile organic compound emission control effectiveness.

**§2105.19A     SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY –  
AIR OXIDATION, DISTILLATION AND REACTOR PROCESSES**

*{Section 2105.19A added 11/5/2025, effective 11/15/2025.}*

- a.     Incorporation by Reference. Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulation for *Control of VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry – Air Oxidation, Distillation and Reactor Processes* promulgated under the Air Pollution Control Act at 25 Pa. Code § 129.71a and the related definitions at 25 Pa. Code § 121.1 which are hereby incorporated by reference into this Article. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
- b.     For the purposes of this subsection, references in 25 Pa. Code § 129.71a to:
  - A.     “Department” shall mean Department as defined under this Article;
  - B.     “Facility located in this Commonwealth, shall mean “facility located in Allegheny County;” and
  - C.     “Plan approval” shall mean Installation Permit.

## **SUBPART 2 - SLAG, COKE, AND MISCELLANEOUS SULFUR SOURCES**

### **§2105.20 SLAG QUENCHING**

No person shall operate, or allow to be operated, any slag handling operation, unless such person takes all reasonable actions and applies BACT to prevent and minimize the emission of hydrogen sulfide and other air contaminants from slag quenching. The Department may, by order or permit condition, require the implementation of such actions as:

- a. For granulated slag facilities:
  - 1. The rapid quenching of molten slag with a jet stream of water so as to suppress the formation of hydrogen sulfide; and/or,
  - 2. The frequent removal of slag from slag pits to avoid its accumulation above the water surface.
- b. For hard slag facilities:
  - 1. Pouring practices that achieve the thinnest uniform slag layers practicable;
  - 2. Pit filling schedules that maximize the air cooling time between subsequent slag pours over a given surface and the air cooling time prior to the quenching of slag with water;
  - 3. Systems for distributing quench water uniformly over the slag surface at rates sufficiently high to minimize or prevent the evolution of hydrogen sulfide;
  - 4. Excavation of slag pits in such a way as to achieve the maximum practicable volume and/or surface area; and/or
  - 5. Modifications to the size and/or geometry of slag pits or facilities.
- c. For hard slag ladle pits which began operation after September 7, 1977, at least BACT shall be utilized and not more than 2,300 tons of molten slag per acre of the new hard slag ladle pit shall be poured per day; provided, however, that upon demonstration to the satisfaction of the Department that the use of an alternative control technique will result in the emission of air contaminants less than or equal to that emitted by the use of the maximum daily pouring rate, the Department may permit the utilization of such control technique in lieu of the maximum daily pouring rate.

## §2105.21 COKE OVENS AND COKE OVEN GAS

*{Portions effective August 15, 1997, the remainder effective February 1, 1994; Paragraph e.6 added June 22, 1995, effective July 11, 1995 and amended May 14, 2010 effective May 24, 2010; §2105.21.b, e, and h amended effective August 15, 1997; Subsection f amended February 12, 2007 effective April 1, 2007. Subsection i added August 29, 2013, effective September 23, 2013. Paragraph e.6 amended November 13, 2014, effective January 1, 2015. Subsections a through i amended and Subsection j added October 26, 2022, effective November 5, 2022.}*

- a. **Charging.** No person shall operate, or allow to be operated:
1. Any battery of coke ovens installed, replaced, or reconstructed, or at which a major modification was made on or after January 1, 1978, in such manner that the aggregate of visible charging emissions exceeds a total of 55 seconds during any five (5) or fewer consecutive valid charges on such battery; or
  2. Any other battery of coke ovens in such manner that the aggregate of visible charging emissions exceeds a total of 75 seconds during any four (4) or fewer consecutive valid charges on such battery.
  3. **Inspection Procedures.** The following inspection technique shall be utilized for determining compliance with the coke oven charging standard as defined in this Subsection:
    - A. Observations of visible charging emissions shall be made from any point or points on the topside of a coke oven battery from which an observer can view the majority of any charging emissions which may be created during charging (typically at, but in no way limited to, a distance between 5 to 12 ovens);
    - B. Any U-tube system is part of the charging operation when it is connected during the charging of that oven, while any other offtakes are not included;
    - C. The observer will determine and record the total number of seconds that charging emissions are visibly being emitted. For each charge, the observer shall record the identification number of the oven charged and the approximate beginning time of the charge;
    - D. The observer will time the visible charging emissions with a timepiece (to the nearest half second) while observing the charging operation. Simultaneous emissions from more than one emission point shall be timed and recorded as one emission and shall not be added separately when calculating the total time. Upon observing any visible charging emissions being emitted from any part of the charging system, start the timepiece. Stop the timepiece when visible emissions are no longer being emitted. Restart the timepiece when or if visible emissions reoccur; start and stop the timepiece as often as needed during the same charging period;
    - E. Open visible charging emissions shall not include any emissions observed after all the charging port seals have been replaced (i.e., the charging port lid is firmly seated) following the removal of the larry car, such as emissions occurring when a charging port lid is temporarily removed to allow the sweep-in of spilled coal. In addition, visible charging emissions from the coke oven doors or the leveling bar shall not be included, or visible charging emissions which were previously counted;
    - F. The total number of seconds of visible charging emissions observed, clock time for the initiation and completion of the charging operation for each oven, battery identification and oven number for each charge shall be recorded by the observer;

- G. In the event that observations of emissions from a charge are interrupted, the data from that charge may be invalidated. If the charge is invalidated, the observer shall note on their observation sheet the reason for invalidating the data and the observer may then resume observation of the next charge or charges;
  - H. Compliance is determined by adding the number of seconds of charging emissions observed during a set of charges of either four or five charges, depending on whether the coke oven charging standards set forth in Paragraphs a.1 or a.2 of this Section apply;
  - I. An observer may stop the observation when the number of seconds of charging emissions observed exceeds the coke oven charging standard set forth in Paragraphs a.1. and a.2. of this Section even if a full set of four or five charges have not been observed. A subsequent inspection may be conducted starting with the next set of charges; however, if the observer stops an observation, the observer cannot resume observing charging observations until after the original set of ovens are all charged; and
  - J. These procedures include some, but not all, aspects of EPA Method 303. In order to ensure a full understanding of the inspection procedures set forth in this Subsection, the observer shall also maintain current certification for Method 303 observations.
- b. **Door Areas.** No person shall operate, or allow to be operated, any battery of coke ovens in such manner that:
- 1. For Coke Oven Battery C at the U. S. Steel Corporation Mon Valley Works Clairton Plant, at any time, there are visible emissions from more than three percent (3.0%) of the door areas of the operating coke ovens in such battery, excluding the two door areas of the last oven charged and any door areas obstructed from view as calculated in Subparagraph 8.B of this Subsection;
  - 2. For any batteries installed, replaced, or reconstructed, or at which a major modification was made between the dates of January 1, 1978, and October 31, 2012, at any time, there are visible emissions from more than five percent (5.0%) of the door areas of the operating coke ovens in such battery, excluding the two door areas of the last oven charged and any door areas obstructed from view;
  - 3. For any of the following batteries, at any time, there are visible emissions from more than eight percent (8.0%) of the door areas of the operating coke ovens in such battery, excluding the two door areas of the last oven charged and any door areas obstructed from view:

SPECIFIC COKE OVEN BATTERIES

	<u>Source Name</u>	<u>Location</u>
	A. Coke Battery #1	U. S. Steel Corp. Clairton, PA
	B. Coke Battery #2	U. S. Steel Corp. Clairton, PA
	C. Coke Battery #3	U. S. Steel Corp. Clairton, PA
	D. Coke Battery #19	U. S. Steel Corp. Clairton, PA; or
4.	For Coke Oven Battery C at the U. S. Steel Corporation Mon Valley Works Clairton Plant, emissions from the door areas of any coke oven exceed an opacity of 30% at any time 15 or more minutes after such oven has been charged;	
5.	Any batteries installed, replaced, or reconstructed, or at which a major modification was made on or after the effective date of this paragraph shall be subject to the applicable requirements under either Section 2102.06 (relating to installation permits for major sources locating in or impacting a nonattainment area) or Section 2102.07 (relating to installation permits for major sources locating in an attainment or unclassified area) of this Article;	

6. For any batteries, other than those subject to Paragraphs b.4 or b.5 of this Section, emissions from the door areas of any coke oven exceed an opacity of 40% at any time 15 or more minutes after such oven has been charged.
7. Unless for any of the following batteries at the U. S. Steel Corporation Mon Valley Works Clairton Plant, there is installed big plug doors, or better, on the coke side of each oven by January 1, 2000. Any replacement doors on these batteries, replaced after January 1, 2000, will also be big plug doors. A big plug door is a door that, when installed, contains a plug with minimum dimensions as listed below:

SPECIFIC COKE OVEN BATTERIES		
<u>Source Name</u>	<u>Minimum Width</u>	<u>Minimum Depth</u>
A. Coke Battery #1	18 1/4"	14 1/2"
B. Coke Battery #2	18 1/4"	14 1/2"
C. Coke Battery #3	18 1/4"	14 1/2"
D. Coke Battery #19	17"	16 1/4"
E. Coke Battery #20	17"	16 1/4"

8. **Inspection Procedures.**

- A. Compliance with the high opacity limitation as defined in Paragraphs b.4 through b.6 of this Section or source permit for a single door area is determined in accordance with the following method:
  - i. The observer shall place themselves no less than 25 feet from the face of the door in a location where their view of the door area is unobstructed;
  - ii. The observer's position for high opacity door areas must meet the sun angle requirements of 40 CFR Part 60, Appendix A, Method 9;
  - iii. The observer shall record the maximum observed opacity of emissions emanating from a point above the top, or at the top of the door, but below the battery top, or at the top of any local door area emission control hood;
  - iv. For determining compliance with Paragraphs b.4 and b.6, a 15 minute exclusion from the opacity limitation shall be allowed after such oven has been charged. The operator shall provide the observer with the time when the charging period ends on such oven. If the operator does not provide the time the charging period ends, the observer may presume that the 15 minute exclusion has expired at the start of the inspection of such oven;
  - v. The observer shall have a current certification as a qualified observer for EPA Method 9;
  - vi. The observer shall, as much as possible, make observations from a position such that their line of vision is approximately perpendicular to the plume direction and a position which provides a clear view of emissions as long as the observation position complies with Section 2.1 of Method 9; and
  - vii. Opacity observations shall be made at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Once the observer notices a potential high opacity door emission, the observer shall momentarily look away from the door emissions before conducting a high opacity door reading. The observer shall look no longer than a few continuous seconds at the plume. If more than a few seconds are needed, the observer shall

momentarily look away to recalibrate their eyes before observing the plume again.

- B. Compliance with the percent door area leakage standard as defined in Paragraphs b.1 through b.3 of this Section is determined in accordance with the following method:
- i. The intent of this procedure is to determine visible emissions from door areas by carefully observing the door area from a standard distance while walking at a normal pace;
  - ii. The observer shall walk the length of the battery at a steady, normal walking pace sufficient to allow the inspector to observe any emissions from the door and differentiate any emissions from steam. The observer shall record the actual traverse time for the battery with a timepiece;
  - iii. Each door area should be observed in sequence;
  - iv. The observer shall place themselves no less than 25 feet from the face of the door unless readings are being conducted from the bench area in front of the doors;
  - v. For purposes of determining compliance with this Subsection, “operating oven” means any oven which is not out of operation for purposes of a rebuild or attributable to maintenance sufficiently extensive so as to require the oven be skipped in the charging sequence;
  - vi. Visible emissions from hot coke that has been spilled on the bench as a result of pushing shall not be recorded as a door area visible emission;
  - vii. If the observer’s view of a door area(s) is more than momentarily obstructed by, for example, door machinery, pushing machinery, coke guide, or opaque steam plumes, the observer shall record the oven number(s) or door area(s) obstructed and the nature of the obstruction and continue the observations with the next door area in sequence which is not obstructed;
  - viii. The observer shall continue as per Subparagraphs B.i. through B.vii. above along the entire length of the battery for any battery side and shall record the battery identification, battery side, and oven door identification number of each door area exhibiting visible emissions. Before completing the traverse or immediately thereafter the observer shall attempt to re-observe the obstructed doors;
  - ix. The Department shall determine the last oven charged based on the times provided by the operator. If the operator does not provide the times of the ovens charged, the observer shall indicate a “0” for the “number of door areas with visible emissions from the last oven charged” and a “1” for the “number of door areas from the last oven charged” for each inspected battery side for the formula in Subparagraph B.x or B.xi;

- x. For batteries that have sheds on the coke side that are used to control emissions during pushing or if it is unsafe to observe from the yard, the inspection should be conducted from the bench area in front of the doors. A bench correction factor shall be applied to the number of leaks observed from the bench areas to calculate a yard equivalent reading. The following formula shall be used to calculate the yard equivalent reading:

$$\text{Yard equivalent reading} = \left( \begin{array}{c} \text{Number of door areas} \\ \text{on operating ovens} \\ \text{with visible emissions} \\ \text{observed from the bench} - \\ \text{Number of door areas} \\ \text{with visible emissions} \\ \text{from the last oven charged} \end{array} \right) - \left( \left( \begin{array}{c} \text{Total number of} \\ \text{door areas observed} \\ \text{from the bench} - \\ \text{Number of door} \\ \text{areas from the} \\ \text{last oven charged} \end{array} \right) \times 0.06 \right)$$

- xi. Compliance shall be calculated by application of the following formula rounded to the nearest tenth of one percent. If a bench correction factor was applied under Subparagraph B.x, above, the yard-equivalent reading shall be included in the “number of door areas with visible emissions” in the formula below:

$$\text{Percent leaking} = \frac{\left( \begin{array}{c} \text{number of door areas with visible emissions} \\ \text{on operating ovens} - \text{number of obstructed} \\ \text{door areas with visible emissions} - \\ \text{number of door areas with visible emissions} \\ \text{from the last oven charged} \end{array} \right)}{\left( \begin{array}{c} \text{number of door areas on operating ovens} - \\ \text{number of obstructed door areas} - \\ \text{number of door areas from the last oven charged} \end{array} \right)} \times 100$$

- xii. These procedures include some, but not all, aspects of EPA Method 303. In order to ensure a full understanding of the inspection procedures set forth in this Subsection, the observer shall also maintain current certification for Method 303 observations.

c. **Charging Ports.** No person shall operate, or allow to be operated:

1. For Coke Oven Battery C at the U. S. Steel Corporation Mon Valley Works Clairton Plant, in such manner that, at any time, there are visible emissions from more than 0.6% of the charging ports or charging port seals on the operating coke ovens of such battery, excluding any charging ports obstructed from view; or
2. Any battery of coke ovens installed, replaced, or reconstructed, or at which a major modification was made between the dates of January 1, 1978, and October 31, 2012, in such manner that, at any time, there are visible emissions from more than one percent (1.0%) of the charging ports or charging port seals on the operating coke ovens of such battery, excluding any charging ports obstructed from view; or



3. Any batteries installed, replaced, or reconstructed, or at which a major modification was made after the effective date of this paragraph shall be subject to the applicable requirements under either Section 2102.06 (relating to installation permits for major sources locating in or impacting a nonattainment area) or Section 2102.07 (relating to installation permits for major sources locating in an attainment or unclassified area) of this Article.
4. Any battery of coke ovens, other than those subject to Paragraphs c.1, c.2 or c.3 of this Section, in such manner that, at any time, there are visible emissions from more than two percent (2.0%) of the charging ports or charging port seals on the operating coke ovens of such battery, excluding any charging ports obstructed from view.
5. **Inspection Procedures.** The following inspection technique shall be utilized for determining compliance with the percent charging port leakage standard as defined in this Subsection:
  - A. Observations of any visible emissions from charging ports or charging port seals, other than charging or pushing emissions, shall be made and recorded during the time an observer walks the topside of a battery from one end to the other, walking near the center of the battery but may deviate from this path to avoid visual interferences, safety hazards, and any other obstacles;
  - B. Each oven shall be observed in sequence during each of the traverses. The observer shall walk the length of the battery at a steady, normal walking pace sufficient to allow the inspector to observe any emissions from the charging ports or charging port seals and differentiate any emissions from steam and shall record the actual traverse time with an appropriate timepiece (note that charging ports from the last oven charged may be in the process of being sealed);
  - C. The observer shall record the battery and lid identification, the oven number, and whether an oven was dampered off or obstructed from view. The number of charging ports from dampered off ovens (not to exceed three ovens) will be excluded as described in the formula in Subparagraph F below;
  - D. For purposes of determining compliance with this Subsection, “operating oven” means any oven which is not out of operation for purposes of a rebuild or attributable to maintenance sufficiently extensive so as to require the oven be skipped in the charging sequences;
  - E. The observer shall not count the following as charging port or charging port seal visible emissions:
    - i. Visible emissions from between the brickwork and oven lid casing or visible emissions from cracks in the oven brickwork. The observer shall make an appropriate notation under “Comments”;
    - ii. Visible emissions from charging ports involved in a charging operation. The observer shall record the oven number, and make an appropriate notation (e.g., not observed because ports open for charging) under “Comments”;
    - iii. Charging ports having maintenance work done. The observer shall record the oven number and make an appropriate notation under “Comments”;
    - iv. Condensing water from wet-sealing material; and
    - v. Visible emissions from the flue inspection ports and caps.

- F. Compliance is determined by application of the following formula rounded to the nearest tenth of one percent; and

$$\text{Percent leaking} = \frac{\left( \begin{array}{l} \text{number of charging ports with visible} \\ \text{emissions on operating ovens} - \\ \text{number of charging ports with visible emissions} \\ \text{from charging ports obstructed from view} - \\ \text{number of charging ports with visible emissions on} \\ \text{dampered off ovens, not to exceed three ovens} \end{array} \right)}{\left( \begin{array}{l} \text{number of charging ports on operating ovens} - \\ \text{number of charging ports obstructed from view} - \\ \text{number of charging ports on dampered off} \\ \text{ovens, not to exceed three ovens} \end{array} \right)} \times 100$$

- G. These procedures include some, but not all, aspects of EPA Method 303. In order to ensure a full understanding of the inspection procedures set forth in this Subsection, the observer shall also maintain current certification for Method 303 observations.

d. **Offtake Piping.** No person shall operate, or allow to be operated:

1. For Coke Oven Battery C at the U. S. Steel Corporation Mon Valley Works Clairton Plant, in such manner that, at any time, there are visible emissions from more than three percent (3.0%) of the offtake piping on the operating coke ovens of such battery, excluding any offtake piping obstructed from view;
2. Any battery of coke ovens installed, replaced, or reconstructed, or at which a major modification was made between the dates of January 1, 1978, and October 31, 2012, in such manner that, at any time, there are visible emissions from more than four percent (4.0%) of the offtake piping on the operating coke ovens of such battery, excluding any offtake piping obstructed from view;
3. Any batteries installed, replaced, or reconstructed, or at which a major modification was made on or after the effective date of this paragraph shall be subject to the applicable requirements under either Section 2102.06 (relating to installation permits for major sources locating in or impacting a nonattainment area) or Section 2102.07 (relating to installation permits for major sources locating in an attainment or unclassified area) of this Article; or
4. Any battery of coke ovens, other than those subject to Paragraphs d.1, d.2 or d.3 of this Section, in such manner that, at any time, there are visible emissions from more than five percent (5.0%) of the offtake piping on the operating coke ovens of such battery, excluding any offtake piping obstructed from view.
5. **Inspection Procedures.** The following inspection technique shall be utilized for determining compliance with the percent offtake piping leakage standard as defined in this Subsection:
  - A. Observations of any visible emissions from the offtake piping shall be made by traversing the topside of the battery near the center of the battery, but may deviate from this path to avoid visual interferences, safety hazards, and any other obstacles;
  - B. During the traverse, the observer may deviate from near the center of the battery and walk as close, or far as possible to the offtake piping to determine whether an observed emission is emanating from the offtake piping. In addition to items specifically listed in

the definition for offtake piping in §2101.20 of this Article, the damper used for isolating the oven from the collecting main is also part of the offtake piping;

- C. The observer shall traverse the battery once per each collector main. Therefore, to observe a battery with two collector mains, one observer may traverse the battery in one direction for one offtake system and traverse the battery in one direction for the second offtake system or two observers can traverse the battery in one direction;
- D. Each oven should be observed in sequence. The observer shall walk the length of the battery at a steady, normal walking pace sufficient to allow the inspector to observe any emissions from the offtake piping and differentiate any emissions from steam and shall record the actual traverse time with an appropriate timepiece;
- E. The observer shall record the battery identification, side of the oven, the oven number for all offtake piping visible emissions and whether an oven was dampered off or obstructed from view. The number of offtake piping from dampered off ovens (not to exceed three ovens) will be excluded as described in the formula in Subparagraph I below;
- F. If any part or parts of offtake piping has or have visible emissions, the observer shall count it as one emitting offtake piping;
- G. Offtake piping with open standpipes for decarbonization or closed and sealed standpipes on such oven being charged would be counted as offtake piping obstructed from view in the formula in Subparagraph I below. Offtake piping with open standpipes on such oven being charged would count as charging emissions. All visible emissions from closed standpipe caps, excluding such oven being charged, count as offtake piping leaks;
- H. For purposes of determining compliance with this Subsection, “operating oven” means any oven which is not out of operation for purposes of a rebuild or attributable to maintenance sufficiently extensive so as to require the oven be skipped in the charging sequence;
- I. Compliance is determined by application of the following formula rounded to the nearest tenth of one percent; and

$$\text{Percent leaking} = \frac{\left( \begin{array}{l} \text{number of offtake piping with visible} \\ \text{emissions on operating ovens} - \\ \text{number of offtake piping with visible emissions} \\ \text{from offtake piping obstructed from view} - \\ \text{number of offtake piping with visible emissions on} \\ \text{dampered off ovens, not to exceed three ovens} \end{array} \right)}{\left( \begin{array}{l} \text{number of offtake piping on operating ovens} - \\ \text{number of offtake piping obstructed from view} - \\ \text{number of offtake piping on dampered off} \\ \text{ovens, not to exceed three ovens} \end{array} \right)} \times 100$$

- J. These procedures include some, but not all, aspects of EPA Method 303. In order to ensure a full understanding of the inspection procedures set forth in this Subsection, the observer shall also maintain current certification for Method 303 observations.

- e. **Pushing.** No person shall operate, or allow to be operated, any battery of coke ovens unless there is installed on such battery a pushing emission control device which is designed to reduce fugitive emissions from pushing to the minimum attainable through the use of BACT.

No person may permit the pushing of coke from a coke oven unless the pushing operation is enclosed during the removal of coke from a coke oven and pushing emissions are contained, except for the fugitive pushing emissions, that are allowed by Paragraphs 4 and 5 of this Subsection nor shall any person operate, or allow to be operated any battery of coke ovens in such manner that:

1. At any time, the particulate mass emission rate from the pushing emission control device, for any battery other than those subject to Paragraph e.2 or e.3 of this Section, exceeds a rate determined by an outlet concentration of 0.020 grains per dry standard cubic foot, or the rate determined by the following formula, whichever is greater:

$$A = 0.76W^{0.42} \quad \text{where} \quad \begin{array}{ll} A = & \text{allowable mass emission rate in pounds per hour per battery,} \\ \text{and} & W = \text{actual coke pushing rate in tons of coke per hour per battery;} \end{array}$$

2. At any time, the particulate mass emission rate from the pushing emission control device, for any of the following batteries, exceeds a rate determined by an outlet concentration of 0.010 grains per dry standard cubic foot:

#### SPECIFIC COKE OVEN BATTERIES

Source Name	Location
A. Coke Battery #1	U. S. Steel Corp. Clairton, PA
B. Coke Battery #2	U. S. Steel Corp. Clairton, PA
C. Coke Battery #3	U. S. Steel Corp. Clairton, PA
D. Coke Battery #19	U. S. Steel Corp. Clairton, PA

3. At any time, the particulate mass emission rate from the pushing emission control device for Coke Oven Battery B at the U. S. Steel Corporation Mon Valley Works Clairton Plant exceeds a rate of 0.040 pounds per ton of coke.
4. Fugitive pushing emissions or emissions from the pushing emission control device outlet equal or exceed an opacity of 20% at any time, except if the Department determines in writing, upon written application from the person responsible for the coke ovens setting forth all information needed to make such determination, that such emissions are of only minor significance with respect to causing air pollution and do not prevent or interfere with the attainment or maintenance of any ambient air quality standard (any such determination shall be submitted as a proposed revision to Allegheny County's portion of the SIP);
5. Visible emissions from the transport of hot coke in the open atmosphere exceed ten percent (10%) opacity at any time; or
6. For any of the following batteries, at any time, the hot coke fails to be held under the hood of the pushing emission control (PEC) device for at least 67 seconds immediately after the pusher ram begins to move and the damper to the PEC device is opened or for at least 15 seconds immediately following the fall of the last of the coke into the hot car, whichever is longer:

#### SPECIFIC COKE OVEN BATTERIES

Source Name	Location
A. Coke Battery #1	U. S. Steel Corp. Clairton, PA
B. Coke Battery #2	U. S. Steel Corp. Clairton, PA
C. Coke Battery #3	U. S. Steel Corp. Clairton, PA

D.	Coke Battery #13	U. S. Steel Corp. Clairton, PA
E.	Coke Battery #14	U. S. Steel Corp. Clairton, PA
F.	Coke Battery #15	U. S. Steel Corp. Clairton, PA
G.	Coke Battery #19	U. S. Steel Corp. Clairton, PA
H.	Coke Battery #20	U. S. Steel Corp. Clairton, PA

except that this Paragraph shall only be effective during the period from 30 days following the issuance of a written notice by the Department to the owner or operator of such battery that EPA has required the implementation of the contingency measures under the portion of the PM-10 SIP for the Liberty Borough/Clairton area, until issuance of a written notice by the Department that such measures are no longer required.

7. **Inspection Procedures.** Compliance with the visible emission standards for pushing under this Subsection shall be determined in accordance with the following methods:
  - A. Visible emission observers shall be certified in accordance with the procedures specified in 40 CFR Part 60, Appendix A, Method 9;
  - B. In making pushing observations the observer shall be positioned in accordance with the provisions of Section 2.1 of Method 9;
  - C. The provisions of Section 2.2 of Method 9 shall apply based on the observer's initial position and the pushing emissions field data sheets shall include all of the items in Section 2.2 of Method 9;
  - D. The provisions of Section 2.3 of Method 9 do not apply in that observers are not required to take readings at fifteen second intervals. The observer shall look no longer than a few continuous seconds at the plume. If more than a few seconds is needed, the observer shall momentarily look away to recalibrate their eyes before observing the plume again;
  - E. The provisions of Sections 2.4 and 2.5 of Method 9 do not apply except that opacity observations shall be recorded to the nearest 5 percent;
  - F. In viewing the pushing operation, the observer shall stand on the coke side of the battery where a clear view of the push can be obtained. This generally should be a location on the ground, in the coke side yard, outside the hot car tracks approximately perpendicular to the observed oven. However, the observer is not restricted to the ground level, but may make observation from an elevated level as long as the observation position complies with Section 2.1 of Method 9. The reader may change locations during a single oven reading but shall not take readings while in transit;
  - G. During the pushing operation, the reader shall observe all the pushing emissions. Pushing operation, as defined in §2101.20 of this Article, begins when the coke side door is first removed from a coke oven and continuing until the quenching operation is commenced. Pushing emissions include all fugitive emissions leaving an oven during a push, emissions from the pushing emission control device outlet and, evaluated separately, emissions from open quench cars during the transport of hot coke in the open atmosphere;

- H. Except as provided in Subparagraph I below, compliance is determined by observing any visible emissions with opacity equal to or greater than the opacity limit defined in §2105.21.e.4 or applicable source permit, as determined against any contrasting background. The reader shall independently observe emissions from the pushing emission control device gas cleaning outlet and fugitive emissions from the pushing operation; and
  - I. Pushing emissions during the transport of hot coke in the open atmosphere to the quench tower shall be evaluated separately. In this case, the reader shall be positioned in accordance with Subparagraphs B and F above using the opacity limit defined in §2105.21.e.5 or applicable source permit.
- f. **Combustion Stacks.** No person shall operate, or allow to be operated, any battery of coke ovens in such manner that, at any time, emissions from the combustion stack serving such battery:
- 1. For Coke Oven Battery C at the U. S. Steel Corporation Mon Valley Works Clairton Plant, exceed a total particulate concentration of 0.010 grains per dry standard cubic foot;
  - 2. For any battery of coke ovens installed, replaced, or reconstructed, or at which a major modification was made between the dates of January 1, 1978, and October 31, 2012, exceed a total particulate concentration of 0.015 grains per dry standard cubic foot;
  - 3. Any batteries installed, replaced, or reconstructed, or at which a major modification was made on or after the effective date of this paragraph shall be subject to the applicable requirements under either Section 2102.06 (relating to installation permits for major sources locating in or impacting a nonattainment area) or Section 2102.07 (relating to installation permits for major sources locating in an attainment or unclassified area) of this Article.
  - 4. For any battery other than those subject to Paragraphs f.1, f.2 or f.3 of this Section, exceed a particulate concentration of 0.030 grains per dry standard cubic foot;
  - 5. Equal or exceed an opacity of 20% for a period or periods aggregating in excess of three (3) minutes in any 60 minute period; or
  - 6. Equal or exceed an opacity of 60% at any time.
  - 7. Measurements of visible emissions shall be performed in either of the following two ways:
    - A. Using any continuous opacity monitoring system (COMS) required by regulation, permit, consent agreement, consent decree, or enforcement order. Chapter 2 of the Allegheny County Source Testing Manual, entitled "Continuous Emission Monitoring," provides requirements for certification and ongoing verification of continuous opacity monitoring systems; or
    - B. In determining compliance with the visible emission standards, 40 CFR Part 60, Appendix A, Method 9, shall be used except that the provisions of Section 2.5 of Method 9 do not apply. Rather than applying the provisions of Section 2.5 of Method 9, each observation that is recorded to be equal to or greater than the opacity standard in §2104.01.a.1 or applicable source permit shall be counted in determining the hourly aggregated period.

- g. **Quenching.** No person shall quench, or allow the quenching of, coke unless the emissions from such quenching are vented through a baffled quench tower and the water used for such quenching meets the requirements of 40 CFR 63 Subpart CCCCC. Make-up water for quenching shall be equivalent to, or better than, the water quality standards established for the nearest stream or river by regulations promulgated by the DEP under the Pennsylvania Clean Streams Law, Act of June 22, 1937, PL. 1987, as amended, 35 P.S. 691.1 et seq., except that water from the nearest stream or river may be used for make-up water for the quenching of coke. The nearest stream or river to the U. S. Steel Corporation Mon Valley Works Clairton Plant shall be the Monongahela River. Measurements of water quality shall be performed according to procedures established or approved by the Commonwealth.
- h. **Coke oven gas.** Except as provided for in this Section, no person shall operate, or allow to be operated, any source in such manner that unburned coke oven gas is emitted into the open air. In addition, no person shall flare, mix, or combust coke oven gas, or allow such gas to be flared, mixed, or combusted, unless the concentration of sulfur compounds, measured as hydrogen sulfide, in such gas is less than or equal to the following concentrations:
- Where the rated production capacity of the coke plant producing such gas is less than 70 million standard cubic feet of coke oven gas per day, a concentration of 70 grains per hundred dry standard cubic feet of coke oven gas or the concentration determined by the following formula whichever is less:  
  

$$A = 156E^{-0.27}$$

where      A = allowable hydrogen sulfide content in grains per hundred dry standard cubic feet of coke oven gas, and  
               E = maximum coke oven gas production rate in millions of cubic feet per day;
  - For all coke batteries installed, replaced, or reconstructed, or at which a major modification was made on or after January 1, 1978, where the rated production capacity of the coke plant producing such gas is equal to or more than 70 million standard cubic feet of coke oven gas per day, a concentration of ten (10) grains per hundred dry standard cubic feet of coke oven gas;
  - The standard set forth in Paragraph h.2 of this Section for the following coke oven batteries designated 13, 14, 15, 20, and B at the U. S. Steel Corporation Mon Valley Works Clairton Plant shall be deemed satisfied for such batteries if the coke oven gas from the following batteries and treated by the Clairton Plant coke oven gas desulfurization system in existence as of June 24, 1993, has a sulfur compound concentration, measured as H<sub>2</sub>S, of no greater than 35 grains per hundred dry standard cubic feet of coke oven gas produced by the Clairton Works, when all sulfur emissions from its Claus Sulfur Recovery Plant and the tail gas cleaning equipment thereon, expressed as equivalent H<sub>2</sub>S, are added to the measured H<sub>2</sub>S.

SPECIFIC COKE OVEN BATTERIES		
Source Name		Location
A.	Coke Battery #1	U. S. Steel Corp. Clairton, PA
B.	Coke Battery #2	U. S. Steel Corp. Clairton, PA
C.	Coke Battery #3	U. S. Steel Corp. Clairton, PA
D.	Coke Battery #13	U. S. Steel Corp. Clairton, PA
E.	Coke Battery #14	U. S. Steel Corp. Clairton, PA
F.	Coke Battery #15	U. S. Steel Corp. Clairton, PA

G.	Coke Battery #19	U. S. Steel Corp. Clairton, PA
H.	Coke Battery #20	U. S. Steel Corp. Clairton, PA
I.	Coke Battery B	U. S. Steel Corp. Clairton, PA

4. For all other coke batteries, where the rated production capacity of the coke plant producing such gas is equal to or more than 70 million standard cubic feet of coke oven gas per day, other than those subject to Paragraph h.2 of this Section, a concentration of fifty (50) grains per hundred dry standard cubic feet of coke oven gas.

The concentration of sulfur compounds specified by this Subsection shall include tail-gas sulfur, measured as hydrogen sulfide, emitted from sulfur removal equipment.

- i. **Soaking.** No person shall operate, or allow to be operated, any battery of coke ovens in such manner that:

1. For Coke Oven Battery C at the U. S. Steel Corporation Mon Valley Works Clairton Plant, at no time shall soaking emissions from a standpipe cap opening exceed ten percent (10%) opacity.
2. Any batteries installed, replaced, or reconstructed, or at which a major modification was made on or after the effective date of this paragraph, shall be subject to the applicable requirements under either Section 2102.06 (relating to installation permits for major sources locating in or impacting a nonattainment area) or Section 2102.07 (relating to installation permits for major sources locating in an attainment or unclassified area) of this Article.
3. For any batteries, other than those subject to Paragraphs i.1 or i.2 of this Section, at no time shall soaking emissions from a standpipe cap opening exceed twenty percent (20%) opacity.

An exclusion from the opacity limits of Paragraphs i.1 and i.3 shall be allowed for two (2) minutes after a standpipe cap is opened. During the two (2) minute exclusion, all air pollution control equipment and control techniques shall be operated consistent with good air pollution control practices. For purposes of this Subsection, good air pollution control practices may include, but are not limited to, lighting or attempting to light the standpipe immediately following the opening of the standpipe.

4. Inspection Procedures. Compliance with the visible emission standard for soaking shall be determined in accordance with the following method:
  - A. The observer records the time the standpipe cap is initially opened or observed open and notes if the observer did not observe the opening of the standpipe cap;
  - B. The observer shall read the soaking emissions from the open standpipe in accordance with 40 CFR Part 60, Appendix A, Method 9;
  - C. The observer continues to conduct readings per Method 9 except the provisions of Method 9 Sections 2.4 and 2.5 shall not apply in that observers need not record a minimum of 24 observations; and
  - D. For determining compliance with this Subsection, a two (2) minute exclusion from the opacity limit shall be allowed after the time the standpipe cap is initially opened. If the observer did not observe the opening of the standpipe cap, the observer may presume that the standpipe cap has been open for more than two (2) minutes unless the operator provides the time the standpipe cap was opened.



j. **Miscellaneous Topside Emissions**

1. At no time may there be topside emissions from any point on the topside other than allowed emissions from charging port seals under Subsection c, offtake piping under Subsection d and soaking under Subsection i.
2. At no time may there be visible emissions from the coke oven gas collector main.

**§2105.22 MISCELLANEOUS SULFUR-EMITTING PROCESSES**

*{Subsection b amended October 26, 2022, effective November 5, 2022.}*

- a. **Silicon Carbide Manufacturing.** No person shall operate, or allow to be operated, any silicon carbide manufacturing process unless there is in operation on such process air pollution control equipment which reduces uncontrolled emissions of sulfur oxides, expressed as sulfur dioxide, by at least:
  1. Eighty-five percent (85%), if such process uses coke with a sulfur content of two percent (2%) by weight; or
  2. A control efficiency which achieves equivalent emissions per ton of product to Paragraph a.1 above, if such process uses coke with a sulfur content other than two percent (2%) by weight.
- b. **Measurements.** To determine compliance with Subsection a above, measurements of sulfur oxide emissions and measurements of the sulfur content of coke shall be performed according to the applicable procedures established by Part G of this Article.

### SUBPART 3 - INCINERATION AND COMBUSTION SOURCES

#### **§2105.30 INCINERATORS**

*{Subsection g amended October 26, 2022, effective November 5, 2022.}*

- a. **Prohibition of Single-Chamber Incinerators.** No person shall operate, or allow to be operated, any single chamber incinerator, except a sewage sludge incinerator complying with the particulate matter and malodor emissions standards of §§2104.02 and 2104.04 of this Article and with Subsections d and e below.
- b. **Afterburning.** All incinerators shall have an afterburning residence time of at least 0.50 seconds at a temperature of at least 1400 F for putrescible and non-chemical refuse or a temperature of at least 250 F above the auto-ignition temperature of any chemical refuse. Incinerators on which construction commenced prior to February 28, 1977, and which do not comply with the requirements of the previous sentence may operate only if:
  1. An Operating Permit is issued for such incinerator;
  2. Only Type "O" waste is burned in such incinerator;
  3. The incinerator complies with the malodor emissions standards of §2104.04 of this Article; and
  4. The incinerator complies with Subsections c, d, and f below.
- c. **Domestic Refuse-Burning Equipment.** No person shall operate, or allow to be operated, any domestic refuse-burning equipment having a rated capacity of less than five (5) tons per hour, except between the hours of 10:00 A.M. and 4:00 P.M.
- d. **Visible Emissions.** No person shall operate, or allow to be operated, any incinerator in such manner that the opacity of visible emissions from such incinerator, excluding uncombined water, equal or exceed an opacity of 20% at any time.
- e. **Particulate Matter.** No person shall operate, or allow to be operated, any incinerator in such manner that emissions of particulate matter from such incinerator exceed the following rates at any time:
  1. For incinerators with an actual charging rate less than four tons per hour, the rate of 0.1250 pounds per 100 pounds per hour of actual charge rate; or
  2. For incinerators with an actual charging rate of four tons per hour or greater, the rate specified below:

<b><u>Actual Charge Rate In Tons Per Hour</u></b>	<b><u>Allowable Emissions In Pounds Per Hour</u></b>
4	10
8	15
12	20
18	27
24	33
32	40
40	48

Linear interpolation shall be applied to determine the allowable emissions for charge rates other than those specified above.

f. **Federal Requirements.**

1. All solid waste combustion emissions and operating standards and operator training programs promulgated or developed by the Administrator under Sections 111 and 129 of the Clean Air Act are hereby incorporated by reference into this Article. Additions, revisions, or deletions to the standards and programs adopted by the Administrator are incorporated into this Article and are effective on the date established by the Federal standards and programs, unless otherwise established by regulation under this Article.
2. No person shall operate, or allow to be operated, any incinerator in such manner as to violate any of the applicable provisions of Paragraph 1 of this Subsection.

- g. **Measurements.** Measurements of afterburner temperatures, particulate emissions, and visible emissions shall be conducted according to the procedures established by Part G of this Article.

**§2105.31 WASTE-DERIVED LIQUID FUEL**

*{Paragraphs b.7 & e.6 restored May 7, 1998, effective May 15, 1998. Subsection e amended September 16, 2022, effective September 26, 2022. Subsections b & e amended October 26, 2022, effective November 5, 2022.}*

- a. **Fuel Specifications.** Specification fuel shall comply with the following fuel specifications, and all specifications in this Subsection that are defined in parts per million or percentage are by weight:

1. For all equipment subject to this Section:

Arsenic	5	ppm	maximum
Cadmium	2	ppm	maximum
Chromium	10	ppm	maximum
Lead	100	ppm	maximum
PCB's	5	ppm	maximum
Ash	0.3	%	maximum
Bottom Sediment and Water	2.0	%	maximum
Flash Point	100	degrees F	minimum

except:

- A. The minimum flash point specification does not apply to waste-derived liquid fuels that are both generated and burned at the same location; and
- B. The maximum allowed ash content is 1.2% for fuel-burning or combustion space heaters with a rated heat input of 500,000 BTU per hour or less.

2. For equipment subject to Subparagraph 6.A of Subsection b of this Section:

Total Halogens	1,000	ppm	maximum
Heat of Combustion	18,000	BTU/lb.	minimum

3. For equipment subject to Subparagraph 6.B of Subsection b of this Section:

Total Halogens	1,000	ppm	maximum
Heat of Combustion	8,000	BTU/lb.	minimum

4. For equipment subject to Subparagraph 6.C.ii of Subsection b of this Section:

Total Halogens	4,000	ppm	maximum
Heat of Combustion	8,000	BTU/lb.	minimum

- b. **General.** Except as provided for in Subsection c of this Section, no person shall burn or allow to be burned waste-derived liquid fuel in any fuel-burning or combustion equipment, process equipment, or incinerator, regardless of size or rated capacity and irrespective of exceptions listed in Parts B or C of this Article, unless:
1. An Installation Permit is issued for such fuel-burning or combustion equipment, process equipment, or incinerator;
  2. An Operating Permit expressly permits the burning of Waste-Derived Liquid Fuel pursuant to this Section is issued for such fuel-burning or combustion equipment, process equipment, or incinerator;
  3. Only specification fuel under Subsection a of this Section is burned or allowed to be burned in such equipment;
  4. The exhaust stream from the equipment is vented to a stack with a height that is adequate to ensure that the emissions from the stack do not result in excessive ambient air concentrations of any air pollutant as a result of such things as, but not limited to, atmospheric downwash, wakes or eddy effects created by the source itself, nearby structures, or nearby terrain features;
  5. A representative sample of the fuel being used, is taken and analyzed pursuant to Chapter 14 of the Source Testing Manual, and a written report of the results of the analysis is submitted to the Department as part of the application for any Installation Permit required by this Section, as part of the Operating Permit application, and every 12 months after approval of the initial Operating Permit; and
  6. **Size of equipment.**
    - A. For small equipment: The equipment has a direct emission reduction of at least 99.0 percent to be determined in accordance with Chapter 14 of the Source Testing Manual.
    - B. For large equipment: The equipment has a direct emission reduction of at least 99.9 percent to be determined in accordance with Chapter 14 of the Source Testing Manual.
    - C. For industrial boilers, utility boilers, or industrial furnaces or processes with a rated heat input of 5,000,000 BTU per hour or greater:
      - i. The equipment complies with Subparagraph 6.B of this Subsection; OR
      - ii. In order to invoke Paragraph 4 of Subsection a of this Section:
        - (a) The equipment has a direct emission reduction of at least:
          - (1) 99.9% to be determined in accordance with Subparagraphs 2.a or 2.b of Chapter 14 of the Source Testing Manual OR
          - (2) 99.95% to be determined in accordance with Paragraph 1 of Subsection B of Chapter 14 of the Source Testing Manual;
        - (b) A diffusion modeling analysis of the ambient air quality impact of the emissions related to the burning of halogenated compounds under worst case conditions (both operating and meteorological) is conducted using a model acceptable to the Department, and a report of the analysis to the Department is submitted as a part of the application for any

Installation Permit required by this Section and as part of the initial Operating Permit application; and

- (c) The diffusion modeling analysis indicates, to the Department's satisfaction that the emissions from the waste-derived liquid fuel-burning source will not result in excessive concentrations of any air pollutant.

- 7. The analysis of the representative samples of waste-derived liquid fuel required by the Section shall be conducted using the methods specified in Chapter 14 of the Source Testing Manual.

- c. **Exemption.** Any waste-derived liquid fuel may be burned in any fuel-burning or combustion equipment, process equipment or incinerator with a rated heat input of 5,000,000,000 BTU per hour or greater but only if:

- 1. The owner or operator of the equipment has been issued current Operating Permits by the Department for that equipment;
- 2. The rate at which waste-derived liquid fuel is being burned by the equipment at any time does not exceed 0.25 percent by weight of the rate at which the total amount of fuel is being burned by that equipment at that time;
- 3. No waste-derived liquid fuel is burned during the start-up or shutdown of the equipment; and
- 4. The owner or operator submits a report to the Department every 12 months that includes:
  - A. The dates and times of the burning of all waste-derived liquid fuels in the last 12 months;
  - B. A general description of all waste-derived liquid fuels burned at each date and time;
  - C. The volumes of each type of waste-derived liquid fuel burned at each date and time; and
  - D. The total volume of fuel burned at each date and time.

- d. **Installation Permits.** The applications for and issuance of Installation Permits for the burning of waste-derived liquid fuel in any fuel-burning or combustion equipment, process equipment, or incinerator required by this Section shall be governed by the applicable requirements and standards of Part B of this Article except as otherwise specified by this Section. In addition to the requirements of Part B of this Article, an application for an Installation Permit required by this Section shall include:

- 1. A report of the results of the analysis of a representative sample of the fuel to be used as required by Paragraph b.5 of this Section; and
- 2. For equipment in which an owner or operator is requesting to burn waste-derived liquid fuel pursuant to Paragraph a.4 of this Section, a report of the results of a diffusion modeling analysis as required by Subparagraph 6.C.ii.(b) of Subsection b of this Section.

e. **Alternative Standards and Procedures.**

1. The Department may, on a case-by-case basis, approve an alternative standard or procedure to be followed by the owner or operator of specific waste-derived liquid fuel-burning equipment in lieu of a requirement of this Section, provided that:
  - A. The request for the alternative standard or procedure is made in writing to the Department and includes all information necessary for the Department to rule on the request;
  - B. The request for the alternative standard or procedure demonstrates to the Department's satisfaction that:
    - i. The proposed alternative standard or procedure is equivalent to or better than the requirement of this Section in terms of emission control efficiency, reliability, availability, enforceability, and overall effect on the public health; or
    - ii. Strict compliance with the requirements of this Section is unreasonable or impossible in the particular circumstances involved, and the proposed alternative standard or procedure will minimize, to the maximum extent possible, the potential for the public's exposure to emissions from the waste-derived liquid fuel-burning activity.
2. The burden of demonstrating the equivalency of such alternative standards or procedures to the Department's satisfaction and the burden of demonstrating the unreasonableness or impossibility of strict compliance with the requirements of this Section and the compliance of the proposed alternative with the requirements of Subparagraph 1.B of this Subsection to the Department's satisfaction and all expenses incident thereto shall be borne by the owner or operator of the source affected.
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 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 posted in accordance with Paragraph 2102.03.m.2 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, in 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.

5. Approval to operate using an alternative standard or procedure in lieu of a requirement of this Section must be received, in writing, from the Department prior to the use of such alternative standard or procedure.
6. The Department may, upon receiving a written request from the owner or operator setting forth all necessary information, approve in writing an analysis method other than those specified in Chapter 14 of the Source Testing Manual if it finds that, under the circumstances:
  - A. Such alternative analysis method is equivalent to or better than the method specified in Chapter 14 of the Source Testing Manual in terms of reliability, availability, feasibility, and enforceability; and
  - B. Such alternative analysis method is consistent with accepted testing practices for obtaining accurate results which are representative of the conditions evaluated.
- f. **Violations.** Failure to comply with any requirement of this Section shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article.

## **§2105.32 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

*{This section added by November 19, 1998 amendment, effective September 1, 1999. Subsection f amended October 26, 2022, effective November 5, 2022.}*

- a. **Applicability.** Except as provided for by paragraphs (e)(1) and (e)(2), this section applies to all hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996.
- b. **Definitions.** All terms not defined in this Article are hereby incorporated by reference from the Clean Air Act and 40 CFR Part 60 Subparts A, B, and Ec.
- c. **Incorporation by Reference.** All parts of 40 CFR Part 60 Subpart Ec are hereby incorporated by reference into this Article excluding the following subparts:
  1. §60.52- Emission limits;
  2. §60.54c-Siting Requirements;
  3. §60.56c(b)(12)-EPA Reference Method 22 Fugitive Ash Visible Emission Observation;
  4. §60.56c(c)(3)-Fugitive Flyash/Bottom Ash Handling and Storage Visible Emission Limit;
  5. §60.58c(b)(2)(ii) Results of Fugitive Visible Emission Observation; and
  6. §60.58c(b)(7) Documentation of Siting Requirements.
- d. **Permits Required.** Beginning September 15, 2000 or on the effective date of this subsection, whichever date is later, designated facilities subject to this section shall operate under a Title V Part 70 permit.
- e. **Exemptions.**
  1. The following combustors shall not be subject to this section:
    - A. A combustor when only pathological waste, low-level radioactive, and/or chemotherapeutic waste is burned, provided that the owner or operator of the combustor:
      - i. Notifies the Department of an exemption claim; and

- ii. Keeps records on a calendar quarter basis of the periods of time of time when only pathological, low-level radioactive, and/or chemotherapeutic waste is burned.
- B. Any co-fired combustor if the owner or operator of the co-fired combustor:
  - i. Notifies the Department of an exemption claim; and
  - ii. Provides an estimate of the relative weight of hospital, medical/infectious waste and other fuels and/or to be combusted; and
  - iii. Keeps records on a calendar quarter basis of the weight of hospital waste, medical/infectious waste and other fuels combusted at the co-fired combustor.
- C. Any combustor required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this section.
- D. Any combustor which meets the applicability requirements under 40 CFR Part 60 Subparts Cb, Ea and Eb.
- E. Any pyrolysis unit.
- F. Cement kilns firing hospital waste and/or medical/infectious waste.
- 2. Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with emission standards under this section are not considered a modification and do not result in an existing HMIWI becoming subject to the provisions of this subsection.

f. **Emission Limitations.**

- 1. On and after the date on which compliance is required under paragraph g of this section, no owner or operator of a HMIWI facility shall discharge, or allow to be discharged, to the atmosphere from that HMIWI facility any gases that contain stack emissions in excess of the limits presented in Table 1 of this subsection:



**TABLE 1 of §2105.32**

Pollutant	Units (7 percent oxygen, dry basis)	Emission limits		
		HMIWI size		
		Small	Medium	Large
Particulate matter	milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Carbon monoxide	parts per million by volume	40	40	40
Dioxins/furans	nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	parts per million by volume or percent reduction	100 or 93%	100 or 93%	100 or 93%
Sulfur dioxide	parts per million by volume	55	55	55
Nitrogen oxides	parts per million by volume	250	250	250
Lead	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Cadmium	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Mercury	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%

2. On and after the date on which compliance is required under paragraph (g) of this section no owner or operator of a HMIWI facility shall discharge, or allow to be discharged, to the atmosphere from that HMIWI facility any gases that exhibit greater than 10 percent opacity (6-minute block average) as defined by Chapter 13 of the Source Testing Manual.

**g. Compliance Dates.**

1. Except as provided for in paragraphs 2, 3 and 4, one year after the effective date of this subsection, or September 15, 2002, whichever is earlier, the owner or operator of any HMIWI facility shall be in compliance with all provisions of this section.

2. The owner or operator of a HMIWI facility required to install air pollution equipment may request an extension beyond one year after the effective date of this subsection, and shall submit and comply with a compliance plan and schedule subject to the approval of the Department that meets the following milestones:
  - A. No later than 1 year after the effective date of this subsection a control plan with any site specific parameters shall be submitted in accordance with 40 CFR 60.56c(I);
  - B. No later than 1 year after the effective date of this subsection services of an architectural and engineering firm regarding air pollution device(s) shall be obtained;
  - C. No later than 18 months after the effective date of this subsection design drawings of an air pollution device(s) shall be obtained;
  - D. No later than 18 months after the effective date of this subsection air pollution device(s) shall be ordered;
  - E. No later than 2 years after the effective date of this subsection site preparation for installation of the air pollution device(s) shall be initiated;
  - F. No later than 33 months after the effective date of this subsection all on-site construction or installation of the air pollution device(s) shall be completed;
  - G. No later than 33 months after the effective date of this subsection initial startup of the air pollution device(s) shall be conducted;
  - H. No later than 33 months after the effective date of this subsection initial compliance test(s) of the air pollution device(s) shall be conducted; and
  - I. No later than 3 years after the effective date of this subsection, or September 15, 2002, whichever is earlier, no owner or operator of an HMIWI shall allow or cause to be allowed an HMIWI to be operated except in compliance with all provisions of this Section.
3. The owner or operator who submits in writing to the Department a request for the extension described in paragraph g.2 of this subsection shall also submit to the Department no later than 12 months after the effective date of this subsection the following information:
  - A. An analysis to support the need for an extension, including an explanation of why one year after the effective date of this subsection is not sufficient time to comply with paragraph g.1 of this subsection, and
  - B. A demonstration of the feasibility to transport the waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis.
4. The owner or operator will be notified in writing by the Department of its decision as to whether an extension shall be granted or denied.
5. The source shall be in compliance with the Operator and Training requirements of 40 CFR 60.53.c within one year of the effective date of this subsection.

**§2105.33 EXISTING ‘OTHER SOLID WASTE INCINERATORS’ (OSWI)**

*{This section added by May 8, 2007 amendment, effective August 17, 2007.}*

- a. **Applicability.** This Section applies to incineration units that meet all of the following requirements:
1. The incineration unit that is:
    - A. An OSWI unit as defined in Subsection b.9, below; or
    - B. An air curtain incinerator subject to this Section as described below:
      - i. Air curtain incinerators that burn less than 35 tons per day of municipal solid waste or air curtain incinerators located at institutional facilities burning any amount of institutional waste generated at that facility are subject to all requirements of this Section including the emission limitations of Subsection f, below.
      - ii. Air curtain incinerators used in disaster recovery are subject to the requirements of 40CFR60.2969, which are hereby incorporated by reference.
      - iii. Air curtain incinerators that burn only wood waste, clean lumber, and yard waste are subject to the requirements described in Subsection o, below.
  2. The incineration unit is an *existing* incineration unit.

For purposes of this Section, an existing incineration unit is an OSWI unit or air curtain incinerator subject to this Section that commenced construction on or before December 9, 2004, except as provided in Subparagraph A, below:

    - A. If the owner or operator of an incineration unit makes changes that meet the definition of modification or reconstruction on or after June 16, 2006, the unit becomes subject to 40 CFR 60, Subpart EEEE, “Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006,” and this Section no longer applies to that unit.
    - B. If the owner or operator of an existing incineration unit makes physical or operational changes to the unit primarily to comply with this Section, then Subpart EEEE requirements do not apply to that unit. Such changes do not qualify as modifications or reconstructions under Subpart EEEE.
  3. The incineration unit is not one of the types listed below that are excluded:
    - A. The following types of units described in 40 CFR 60.2887(a) through (q), are excluded from this Section as long as the requirements stated there are met.
      - i. Cement kilns
      - ii. Co-fired combustors
      - iii. Cogeneration facilities
      - iv. Commercial and industrial solid waste incinerator units are excluded if they are regulated under 40CFR62 Subpart III as well as the stated 40CFR 60 subparts CCCC or DDDD.
      - v. Hazardous waste combustion units
      - vi. Hospital/medical/infectious waste incinerators
      - vii. Incinerators and air curtain incinerators in isolated areas of Alaska

- viii. Rural institutional waste incinerators in Allegheny County are not excludable. They do not meet the requirement to be located more than 50 miles from the boundary of the nearest Metropolitan Statistical Area.
- ix. Institutional boilers and process heaters.
- x. Laboratory Analysis Units
- xi. Material recovery units
- xii. Pathological waste incineration units
- xiii. Small or large municipal waste combustion units
- xiv. Small power production facilities
- xv. Temporary-use incinerators and air curtain incinerators used in disaster recovery
- xvi. Units that combust contraband or prohibited goods
- xvii. Incinerators used for national security

B. Air curtain incinerators used solely for clearing land of vegetation prior to construction are exempt from the requirements of this Section.

b. **Definitions.** For purposes of this Section, the terms below are defined as follows:

1. “Administrator” means the Allegheny County Health Department (the Department), except with respect to those authorities listed in 40 CFR 60.2889(b)(1) through (6) as retained by EPA.
2. “Air curtain incinerator” means an incineration unit operating by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs. For the purpose of this Section only, air curtain incinerators include both firebox and trench burner units.
3. “Deviation” is defined as in 40 CFR 60.2977, except read “§2105.33.a” wherever §60.2885 appears.
4. “Institutional facility” means a land-based facility owned and/or operated by an organization having a governmental, educational, civic, or religious purpose such as a school, hospital, prison, military installation, church, or other similar establishment or facility.
5. “Institutional waste” means solid waste (as defined below) that is combusted at any institutional facility using controlled flame combustion in an enclosed, distinct operating unit: whose design does not provide for energy recovery; operated without energy recovery; or operated with only waste heat recovery. Institutional waste also means solid waste (as defined below) combusted on site in an air curtain incinerator that is a distinct operating unit of any institutional facility. Where “*energy recovery*” means the process of recovering thermal energy from combustion for useful purposes such as steam generation or process heating; and “*waste heat recovery*” means the process of recovering heat from the combustion flue gases outside of the combustion firebox by convective heat transfer only.
6. “Institutional waste incineration unit” means any combustion unit that combusts institutional waste and is a distinct operating unit of the institutional facility that generated the waste. Institutional waste incineration units include field-erected, modular, cyclonic burn barrel, and custom built incineration units operating with starved or excess air, and any air curtain incinerator that is a distinct operating unit of the institutional facility that generated the institutional waste (except those air curtain incinerators listed in §2105.33.o.1.B).
7. “Municipal solid waste” means refuse (and refuse-derived fuel) collected from the general public and from residential, commercial, institutional, and industrial sources consisting of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials and non-combustible materials such as metal, glass and rock, provided that: (1) the term does not include industrial process wastes or medical wastes that are segregated from such other wastes; and (2) an incineration unit shall not be considered to be combusting municipal solid waste for purposes of

this subpart if it combusts a fuel feed stream, 30 percent or less of the weight of which is comprised, in aggregate, of municipal solid waste, as determined by 40 CFR §60.2887(b).

8. “Municipal waste combustion unit” means, for the purpose of this subpart, any setting or equipment that combusts municipal solid waste (as defined in this subpart) including, but not limited to, field-erected, modular, cyclonic burn barrel, and custom built incineration units (with or without energy recovery) operating with starved or excess air, boilers, furnaces, pyrolysis/combustion units, and air curtain incinerators (except those air curtain incinerators listed in §2105.33.o.1.B).
9. “Other solid waste incineration (OSWI) unit” means either a very small municipal waste combustion unit or an institutional waste incineration unit, as defined in this subpart. Unit types listed in §2105.33.a.3 as being excluded from the subpart are not OSWI units subject to this subpart. While not all OSWI units will include all of the following components, an OSWI unit includes, but is not limited to, the municipal or institutional solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The OSWI unit does not include air pollution control equipment or the stack. The OSWI unit boundary starts at the municipal or institutional waste hopper (if applicable) and extends through two areas: (1) The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and (2) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The OSWI unit includes all ash handling systems connected to the bottom ash handling system.
10. “Solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended {42 U.S.C. 2014}.
11. “Very small municipal waste combustion unit” means any municipal waste combustion unit that has the capacity to combust less than 35 tons per day of municipal solid waste or refuse-derived fuel, as determined by the calculations in 40CFR 60.2975.

All other definitions of 40 CFR Part 60 Subparts A and B, and 40 CFR 60.2977 are incorporated by reference into this Article.

**c. Compliance Schedules.**

1. OSWI units, and air curtain incinerators subject to Subsection o, must achieve final compliance as expeditiously as practicable after the approval of this regulation Section, but not later than the earlier of the following two dates:
  - A. December 16, 2010.
  - B. Three years after the effective date of this regulation Section.

The complying unit must submit a notification to the Department stating whether final compliance has been achieved, postmarked within 10 business days after the final compliance date. Final compliance means that the owner or operator completes all process changes and retrofit of control devices so that, when the incineration unit is brought on line, all process changes and air pollution control devices necessary to meet the emission limitations operate as designed.

2. Closing an OSWI unit and then restarting it.
    - A. If the owner or operator closes their OSWI unit but will restart it prior to the final compliance date, they must meet the final compliance date of c.1, above.
    - B. If the owner or operator closes their OSWI unit but will restart it after the final compliance date, they must complete emission control retrofit and meet the emission limitations as specified in Subsection f, below, on the date their OSWI unit restarts operation. They must conduct the initial performance test as specified in Subsection g, below, within 30 days of restarting the OSWI unit.
  3. Permanently closing an OSWI unit and not restarting it. If the owner or operator plans to close their OSWI unit, they must close the unit before the final compliance date of c.1, above.
- d. **Waste Management Plan.** The owner or operator of an OSWI unit must submit a waste management plan as described in 40 CFR 60.2899 and 60.2901 no later than 60 days following the initial performance test. The initial performance test must be conducted no later than 180 days after the final compliance date specified in §2105.33.c.1.
- e. **Operator Training and Qualification.** The requirements of 40 CFR 60.2905 through 60.2911 are incorporated by reference into this Article, with the following changes:
1. 40 CFR 60.2906 - The operator training course must be completed by the latest of the three dates specified below.
    - A. The final compliance date specified in §2105.33.c.1.
    - B. Six months after OSWI unit startup.
    - C. Six months after an employee assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit.
  2. 40 CFR 60.2910 -
    - A. 40 CFR 60.2910(a)(8): The waste management plan is required under §2105.33.d.
    - B. 40 CFR 60.2910(b)(1): The initial review of the information listed in §60.2910(a) must be conducted by the latest of the three dates specified below:
      - i. The final compliance date specified in §2105.33.c.1.
      - ii. Six months after the OSWI unit startup.
      - iii. Six months after an employee assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit.
- f. **Emission Limitations and Operating Limits.** The requirements of 40 CFR 60.2915 through 60.2918 are incorporated by reference into this Article, with the following changes:
1. 40 CFR 60.2915 - The subject emission limitations must be met on the date the initial performance test is required or completed (whichever is earlier). The initial performance test must be conducted no later than 180 days after the final compliance date specified in §2105.33.c.1.
  2. 40 CFR 60.2916(b) - The operating limits established during the initial performance test must be met beginning on the date 180 days after the final compliance date specified in §2105.33.c.1.
- g. **Performance Testing.** The requirements of 40 CFR 60.2922 and 60.2923 are incorporated by reference into this Article.

- h. **Initial Compliance Requirements.** The requirements of 40 CFR 60.2927 are incorporated by reference into this Article with the exception that 40CFR60.2916(b) does not apply.

The initial performance test must be conducted no later than 180 days after the final compliance date specified in §2105.33.c.1, or within 30 days of restarting a closed unit under the provisions of §2105.33.c.2.B.

- i. **Continuous Compliance Requirements.** The requirements of 40 CFR 60.2932 through 60.2935 are incorporated by reference into this Article.
- j. **Monitoring.** The requirements of 40 CFR 60.2939 through 60.2945 are incorporated by reference into this Article with the following change:  
§60.2940(b) - the initial evaluation of the continuous emission monitoring systems shall be completed within 180 days after the final compliance date specified in §2105.33.c.1.
- k. **Recordkeeping and Reporting.** The requirements of 40 CFR 60.2949 through 60.2951 and 40CFR 60.2954 through 60.2962 are incorporated by reference into this Article, with the following changes:
1. For §60.2949 – paragraph (j) does not apply; and reference §2105.33.e.2 instead of the cited §60.2910(a) and (b).
  2. §60.2951 – The reporting requirements of Table 4, must be met, with the following exceptions and addition:
    - A. Report Items 1 and 2, “Pre-construction report” and “Startup notification,” are not required.
    - B. Report Item 3, “Reference §60.2954,” refer to Paragraph 3, below.
    - C. Report Item 4, “Reference §60.2955 and 2956,” refer to Paragraphs 4 and 5, below.
    - D. A waste management plan must be submitted in accordance with §2105.33.d.
  3. §60.2954 – The information specified in subparagraphs A through C below, must be submitted no later than 60 days following the initial performance test. All reports must be signed by the facilities manager.
    - A. The complete test report for the initial performance test results obtained under §2105.33.h, as applicable.
    - B. The values for the site-specific operating limits established in §2105.33.f.
    - C. The waste management plan as specified in §2105.33.d.
  4. §60.2955 –The reference to §60.2954 should be read as §2105.33.k.3.
  5. §60.2956(d) – The annual report must include the values for the operating limits established pursuant to §2105.33.f.
- l. **Title V Operating Permits.** The owner or operator of an OSWI unit subject to this Section is required to apply for and obtain a Title V operating permit unless it meets the relevant requirements for an exemption specified in §2105.33.a.3.
1. If the existing unit is not subject to an earlier permit application deadline, a complete TitleV permit application must be submitted on or before the earlier of the dates specified below:
    - A. 12 months after the effective date this regulation Section.
    - B. December 16, 2008.

2. If the existing unit is subject to Title V as a result of some triggering requirement(s) other than those specified in subparagraph A, above (for example, a unit may be a major source or part of a major source), then the owner or operator may be required to apply for a Title V permit prior to the deadlines specified in subparagraph A. If more than one requirement triggers a source's obligation to apply for a Title V permit, the 12-month timeframe for filing a Title V permit application is triggered by the requirement which first causes the source to be subject to Title V.
  3. A "complete" Title V permit application is one that has been determined or deemed complete by the Department under §2103.11.d.1. The owner or operator must submit a complete permit application by the relevant application deadline in order to operate after this date in compliance with this Article.
- m. **Temporary-Use Incinerators Used in Disaster Recovery.** The requirements of 40CFR60.2969 are incorporated by reference.
  - n. **Equations.** The equations of 40 CFR 60.2975 are incorporated by reference into this Article.
  - o. **Existing Air Curtain Incinerators That Burn Only Wood Waste, Clean Lumber, and Yard Waste.**
    1. General.
      - A. An air curtain incinerator operates by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs. For the purpose of this Section, air curtain incinerators include both firebox and trench burner units.
      - B. Existing air curtain incinerators that burn only less than 35 tons per day of the materials listed in subparagraphs B.i through iv, below, collected from the general public and from residential, commercial, institutional, and industrial sources; and existing air curtain incinerators of any charge rate or capacity located at institutional facilities that burn only the materials listed in subparagraphs B.i through iv, below generated at that facility, are required to meet only the requirements of this Subsection and are exempt from all other requirements of this Section.
        - i. 100 percent wood waste.
        - ii. 100 percent clean lumber.
        - iii. 100 percent yard waste.
        - iv. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.
    2. Compliance Date. In accordance with §2105.33.c.1
    3. Restarting after Closing.
      - A. If the air curtain incinerator is to be closed, but will be reopened prior to the final compliance date, the final compliance date specified in §2105.33.c.1, must be met.
      - B. If the air curtain incinerator is to be closed, but will be restarted after the final compliance date, the emission limitations must be met on the date the incinerator restarts operation.
    4. Permanently closing. If the air curtain incinerator is to be permanently closed and not restarted, the owner or operator must close the unit before the final compliance date specified in §2105.33.c.1.



5. Emission Limitations.
    - A. Within 180 days after the final compliance date in §2105.33.c.1, the incineration unit must meet the two limitations specified in Subparagraphs (A)(i) and (ii), below.
      - i. The opacity limitation is 10 percent (6-minute average, observed over three 1-hour test runs: i.e., thirty 6-minute averages), except as described in (ii), below.
      - ii. The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.
    - B. The limitations in Subparagraph A apply at all times except during malfunctions.
  6. Monitoring Opacity. The requirements of 40 CFR 60.2972 are incorporated by reference into this Article with one addition: At §60.2972(b), the initial test for opacity is to be conducted as specified in 40 CFR 60.8 within 180 days after the final compliance date in §2105.33.c.1.
  7. Recordkeeping and Reporting Requirements. The requirements of 40 CFR 60.2973(b) through (f) are incorporated by reference into this Article.
  8. Title V Operating Permit Requirement. Unless the air curtain incineration unit is excluded under §2105.33.a.3.A.iv, xv, xvi or xvii, the owner or operator of an OSWI unit subject to this Subsection is required to apply for and obtain a Title V operating permit as specified in 2105.33.l.
-

#### SUBPART 4 - MISCELLANEOUS FUGITIVE SOURCES

##### **§2105.40 PERMIT SOURCE PREMISES** *{see §2105.48 regarding applicability}*

- a. **General.** No person shall operate, or allow to be operated, any source for which a permit is required by Part C of this Article in such manner that emissions from any open land, roadway, haul road, yard, or other premises located upon the source or from any material being transported within such source or from any source-owned access road, haul road, or parking lot over five (5) parking spaces:
  - 1. Are visible at or beyond the property line of such source;
  - 2. Have an opacity of 20% or more for a period or periods aggregating more than three (3) minutes in any 60 minute period; or
  - 3. Have an opacity of 60% or more at any time.
- b. **Deposition on Other Premises.** Visible emissions from any solid or liquid material which has been deposited by any means from a source onto any other premises shall be considered emissions from such source within the meaning of Subsection a above.

##### **§2105.41 NON-PERMIT PREMISES** *{see §2105.48 regarding applicability}*

- a. **General.** No person shall use or maintain, or allow to be used or maintained, any property, other than that property upon which there is a source for which a permit is required by Part C of this Article, in such manner that emissions from any open land, roadway, haul road, yard, or other premises located upon such property, or from any material being transported on such property, or from any access road, haul road, or parking lot over five (5) parking spaces for such property:
  - 1. Are visible at or beyond the property line of such property;
  - 2. Have an opacity of 20% or more for a period or periods aggregating more than three (3) minutes in any 60 minute period; or,
  - 3. Have an opacity of 60% or more at any time.
- b. **Deposition on Other Premises.** Visible emissions from any solid or liquid material which has been deposited by any means from property subject to Subsection a above onto any other premises shall be considered emissions from such property within the meaning of Subsection a above.

##### **§2105.42 PARKING LOTS AND ROADWAYS** *{see §2105.48 regarding applicability}*

- a. **General.** No person shall maintain for use, or allow to be used, any parking lot over 50 parking spaces or used by more than 50 vehicles in any day or any roadway carrying more than 100 vehicles in any day or 15 vehicles in any hour in such manner that emissions from such parking lot or roadway:
  - 1. Are visible at or beyond the property line;
  - 2. Have an opacity of 20% or more for a period or periods aggregating more than three (3) minutes in any 60 minute period; or
  - 3. Have an opacity of 60% or more at any time.

- b. **Deposition on Other Premises.** Visible emissions from any solid or liquid material which has been deposited by any means from a parking lot or roadway onto any other premises shall be considered emissions from such parking lot or roadway.
- c. **Repairs.** Subsection a above shall apply during any repairs or maintenance done to such parking lot or roadway.
- d. **Enforcement.** Notwithstanding any other provision of this Article, the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where such parking lots or roadways are located. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violations of this Section.

#### **§2105.43 PERMIT SOURCE TRANSPORT** *{see §2105.48 regarding applicability}*

- a. No person shall transport, or allow to be transported, any solid or liquid material outside the boundary line of any source for which a permit is required by Part C of this Article in such manner that there is any visible emission, leak, spill, or other escape of such material during transport.
- b. Notwithstanding any other provision of this Article, the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where such visible emission, leak, spill, or other escape of material during transport occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

#### **§2105.44 NON-PERMIT SOURCE TRANSPORT** *{see §2105.48 regarding applicability}*

- a. No person shall transport, or allow to be transported, any solid or liquid material outside the boundary line of any source, other than those for which a permit is required by Part C of this Article, in such manner that there is any visible emission, leak, spill, or other escape of such material during transport.
- b. Notwithstanding any other provision of this Article, the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where such visible emission, leak, spill, or other escape of material during transport occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

#### **§2105.45 CONSTRUCTION AND LAND CLEARING** *{see §2105.48 regarding applicability}*

- a. No person shall conduct, or allow to be conducted, any construction or land clearing activities in such manner that the opacity of emissions from such activities:
  - 1. Equal or exceed 20% for a period or periods aggregating more than three (3) minutes in any 60 minute period; or
  - 2. Equal or exceed 60% at any time.
- b. Notwithstanding any other provision of this Article, the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where such construction or land clearing activities occur. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violations of this Section.

**§2105.46 MINING** *{see §2105.48 regarding applicability}*

No person shall conduct, or allow to be conducted, any mining activities in such manner that emissions from such activities:

- a. Are visible at or beyond the property line;
- b. Have an opacity of 20% or more for a period or periods aggregating more than three (3) minutes in any 60 minute period; or,
- c. Have an opacity of 60% or more at any time.

**§2105.47 DEMOLITION** *{see §2105.48 regarding applicability}*

- a. No person shall conduct, or allow to be conducted, any demolition activities in such manner that the opacity of the emissions from such activities equal or exceed 20% for a period or periods aggregating more than three (3) minutes in any 60 minute period.
- b. Notwithstanding any other provisions of this Article, the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where such demolition activities occur. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violations of this Section.

**§2105.48 AREAS SUBJECT TO SECTIONS 2105.40 THROUGH 2105.47**

- a. Sections 2105.40, 2105.42, 2105.43, 2105.45, 2105.46, and 2105.47 of this Article shall apply only in such areas of the County which are within:
  - 1. A three-mile wide strip along the Ohio and Monongahela river valleys with a perpendicular distance of two miles either north or east of the center line of the rivers and one mile south or west of the center line of the rivers from the I-79 Bridge to the Mansfield Bridge, but excluding any portions of the Borough of Port Vue;
  - 2. A one-mile wide strip centered on Turtle Creek (0.5 mile perpendicular distance on each side of the center of the Creek) running from the area referred to in Paragraph a.1 of this Section to the Westmoreland County Line; and
  - 3. A four-mile wide strip along the Monongahela river valley with a perpendicular distance of two and one-half miles either north or east of the center line of the river and one and one-half miles south or west of the center line of the river from the Mansfield Bridge to the Westmoreland County Line, and all portions of the Borough of Port Vue.
- b. Sections 2105.41 and 2105.44 of this Article shall apply only in such areas of the County which are described under Paragraph a.3 of this Section.

## §2105.49 FUGITIVE EMISSIONS

*{effective February 1, 1994; as amended effective October 20, 1995}*

- a. The person responsible for a source of fugitive emissions, in addition to complying with all other applicable provisions of this Article shall take all reasonable actions to prevent fugitive air contaminants from becoming air-borne. Such actions may include, but are not limited to:
  1. The use of asphalt, oil, water, or suitable chemicals for dust control;
  2. The paving and maintenance of roadways, parking lots and the like;
  3. The prompt removal of earth or other material which has been deposited by leaks from transport, erosion or other means;
  4. The adoption of work or other practices to minimize emissions;
  5. Enclosure of the source; and
  6. The proper hooding, venting, and collection of fugitive emissions.
- b. **Specific Sources.** In addition to complying with all other applicable provisions under this Article, no person shall operate, or allow to be operated, any source listed below unless in compliance with all applicable conditions as set forth in this Subsection:

### SPECIFIC SOURCES AND CONDITIONS

<u>Source Name</u>	<u>Location</u>	<u>Permit Number</u>
1. Dock #2 Barge Loading	Glassport Transp. Center, Inc, Glassport, PA	{to be assigned}
<b><u>Conditions:</u></b>		
A. Installation, operation, and maintenance of an emission control device; and		
B. Emissions of PM-10 of not more than 2.9 grains/ton of material loaded at all times.		
2. Rail Car Unloading	Glassport Transp. Center, Inc, Glassport, PA	{to be assigned}
<b><u>Conditions:</u></b>		
A. Installation, operation, and maintenance of an emission control device; and		
B. Emissions of PM-10 of not more than 4.4 grains/ton of material unloaded at all times.		

## SPECIFIC SOURCES AND CONDITIONS

<u>Source Name</u>	<u>Location</u>	<u>Permit Number</u>
3. Roads Yards & Mat'ls Hndl <sub>g</sub> . (other than those sources subject to Paragraphs b.1 and b.2 of this Section)	Glassport Transp. Center, Inc, Glassport, PA	{to be assigned}

### Conditions:

- A. Implementation of operating practices and procedures and installation, operation, and maintenance of air pollution control equipment and methods, approved in advance by the Department and the EPA, sufficient to collect and control from all fugitive PM-10 sources subject to this Paragraph b.3 of this Section at least 75% of all PM-10 emissions from such sources at all times; OR
- B. Compliance with the following, constituting presumptive collection and control from all fugitive PM-10 sources subject to this Paragraph b.3 of this Section of at least 75% of all PM-10 emissions from such sources at all times:
  - i. Installation, operation, and maintenance of a dust suppressant system of sprays of water, or other chemicals approved in advance by the Department, from sprinkler systems and/or water trucks, capable of delivering a minimum of 2.5 gal. H<sub>2</sub>O (or equiv.)/sq. yd. per day to all yard areas used for materials storage on the premises, and of delivering a minimum of 0.15 gal. H<sub>2</sub>O (or equiv.)/sq. yd. per four (4) hour period to all other areas of the premises except those areas that are developed or landscaped with vegetation;
  - ii. On each day during the months of May through October all yard areas used for materials storage on the premises, and in which any materials have been handled during the immediately preceding ten (10) days, shall be watered with at least 2.5 gal. H<sub>2</sub>O (or equiv.)/sq. yd., and all other areas of the premises except those areas that are developed or landscaped with vegetation shall be watered with at least 0.15 gal. H<sub>2</sub>O (or equiv.)/sq. yd. every four (4) hours during hours of operation, using a dust suppressant system approved by the Department under this Subsection, except when there has been at least 0.01 inches of new or accumulated precipitation or the outside temperature has been below 40° F during the immediately preceding 24 hours according to the National Weather Service at Pittsburgh International Airport;
  - iii. On each day during the months of November through April all yard areas used for materials storage on the premises, and in which any materials have been handled during the immediately preceding ten (10) days, shall be watered with at least 1.5 gal. H<sub>2</sub>O (or equiv.)/sq. yd., and all other areas of the premises except those areas that are developed or landscaped with vegetation shall be watered with at least 0.10 gal. H<sub>2</sub>O (or equiv.)/sq. yd. every four (4) hours during hours of operation, using a dust suppressant system approved by the Department under this Subsection, except when there has been at least 0.01 inches of new or accumulated precipitation or the outside temperature has been below 40° F during the immediately preceding 48 hours according to the National Weather Service at Pittsburgh International Airport; and

- iv. A written report for each day shall be generated daily by the owner or operator which shall:
    - (a.) Include:
      - (1.) The name(s) of the owner(s) and operator(s) of the source, and the date; and
      - (2.) For each and every area of the premises subject to this Section:
        - (A.) A description and the size (in sq. yds.) of the area;
        - (B.) The start and end time of any utilization of the dust suppressant system;
        - (C.) The type, dilution ratio (if applicable), total amount, and gal./sq. yd. of the dust suppressant used; and
        - (D.) The name, title, and signature of the individual verifying the completeness and accuracy of the report; and
    - (b.) Be retained by the owner or operator of the source for at least two (2) years and be immediately submitted to, and available for inspection and copying by, the Department upon request.
-

## **SUBPART 5 - OPEN BURNING AND ABRASIVE BLASTING SOURCES**

**§2105.50 OPEN BURNING** *{Subsection f amended May 8, 2007, effective, August 17, 2007, and amended July 16, 2009, effective July 26, 2009. Subsections a, b, and d amended, and e & f renumbered November 13, 2014, effective, January 1, 2015. Paragraph a.3 amended September 15, 2021, effective September 25, 2021.}*

**a. General.**

1. No person shall conduct, or allow to be conducted, the open burning of any material, except where the Department has issued an open burning permit to such person in accordance with this Section or where the open burning is conducted solely for the purpose of preparation of food for human consumption, recreation, light, or ornament, and in a manner which contributes a negligible amount of air contaminants, and which is in accordance with Subparagraphs A through C, below.
    - A. No material other than clean wood, propane, or natural gas may be burned except as provided for in this subparagraph.
      - i. Charcoal may be used in an outdoor fireplace or grill for the purpose of cooking.
      - ii. Commercially available fire logs, paraffin logs, or wood pellets may be used in outdoor fireplaces.
      - iii. Paper or commercial smokeless fire starters may be used with clean wood to start an allowed fire.
    - B. Any volume of clean wood being burned shall be no larger than 3' wide x 3' long x 2' high and shall be at least 15 feet from the nearest neighbor's dwelling or inhabited area, any property line, roadway, sidewalk, or public access way.
    - C. Open burning using chimineas, firepits, or outdoor fireplaces may only be conducted using materials meeting Subparagraph A, above.
  2. Any open burning shall be tended by a responsible person at all times.
  3. Wood burning activities shall not be conducted on Air Quality Action Days or in the municipalities identified in Subsection 2106.06.d when a Mon Valley Air Pollution Watch or Warning under Section 2106.06 has been issued, with the exception of conducting such burning for the commercial preparation of food.
  4. The Department may prohibit, or reduce, any open burning activity which it determines to be a nuisance. This determination will be based on, but not limited to, the following criteria:
    - A. The severity of the amount of air pollutants, or malodorous material;
    - B. The duration or frequency of open burning;
    - C. The topography of the surroundings; and/or
    - D. The meteorological conditions.
  5. This Section shall not allow or permit any open burning which would not otherwise be allowed or permitted under any applicable ordinance, or fire code.
- b. Discovery of Fire.** Immediately upon the discovery of any open burning that is not being conducted in accordance with this Section, the person responsible for the property on which such burning occurs shall immediately extinguish, or cause the extinguishment of, such burning.



- c. **Presumption.** Proof that the defendant in any enforcement action owns or controls the property on which open burning occurs shall be prima facie evidence that such defendant has conducted, or allowed to be conducted, such open burning.
- d. **Permits.**
  - 1. The Department may issue a permit for open burning during a period specified by the Department, but only where the open burning is solely for:
    - A. The abatement of a fire or public health hazard when the burning is conducted under the supervision of a public officer;
    - B. The instruction of personnel in fire fighting, except that instruction using only propane does not require a permit;
    - C. The fostering of agriculture;
    - D. The conducting of a ceremony; or,
    - E. Clearing and grubbing wastes subject to, at a minimum, the following requirements:
      - i. Air curtain incineration units shall be used at all times when burning clearing and grubbing wastes.
      - ii. The use of air curtain incineration units shall not be permitted unless approved by the Department in writing with respect to equipment arrangement, design, and existing environmental conditions prior to commencement of burning.
      - iii. Approval for use of an air curtain incineration unit at one site may be granted for a specified period not to exceed three months, but may be extended for additional limited periods upon further written approval by the Department.
      - iv. The application for said permit must be accompanied by a non-refundable permit application fee, by check or money order payable to the "Allegheny County Air Pollution Control Fund," to cover the costs associated with processing, reviewing, and acting upon the application. The amount of the fee shall be set by the Board of Health.
      - v. If operated at commercial, industrial, or institutional facilities, the air curtain incinerator may also be subject to the NSPS requirements of 40 CFR 60 Subpart CCCC or EEEE.
    - F. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
  - 2. The permit application shall be submitted on forms prepared by the Department at least 15 days prior to the proposed burning date(s) and shall specify the types of materials to be burned, and only those types of materials which are approved by the Department in the permit shall be burned.
  - 3. The Department may issue a permit subject to any additional terms and conditions as are appropriate to further the purposes of this Article, and may deny a permit application or rescind any such permit when it determines that an actual or potential air pollution problem exists.
  - 4. An approved permit shall be in the possession of the applicant or an authorized representative at the site of the permitted open burning at all times during said open burning and shall be available for inspection upon request by any County personnel, law enforcement officer, or fire protection officer.

5. Any open burning permit issued by the Department shall immediately be suspended upon the declaration of an alert or localized incident pursuant to Part F of this Article and shall remain suspended for the duration of the alert or localized incident. If the open burning permit expires during such period of suspension, an extension of such permit shall be obtained from the Department prior to burning any materials.
  6. Open burning activities requiring a permit shall not be conducted on Air Quality Action Days.
- e. **Coal Refuse Piles.** In the case of a fire at any coal refuse pile or dump, the person responsible shall:
1. Report such fire immediately to the Department upon discovery;
  2. Immediately extinguish such fire, or demonstrate to the Department's satisfaction that all necessary steps are being taken to extinguish such fires as expeditiously as possible; and
  3. Report the status of such fire to the Department at such intervals as required by the Department.
- f. **Enforcement.** Notwithstanding any other provision of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the burning occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- g. **Violations.** The open burning of any material (except as provided in Paragraph a.1 above) without a permit under this Section or in violation of any condition contained in such permit, or the failure by the person responsible to immediately report and take all reasonable steps to extinguish a coal refuse pile fire, shall be a violation of this Article giving rise to the remedies provided in §2109.02 of this Article.

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

- a. **General.** No person shall conduct, or allow to be conducted, abrasive blasting or power tool cleaning, hereinafter all referred to as abrasive blasting, of any surface, structure, or part thereof, hereinafter all referred to as surface, which has a total area greater than 1,000 square feet unless:
1. Such abrasive blasting complies with all applicable requirements of this Section; and
  2. The owner of such surface, which has a total area:
    - A. Greater than 10,000 square feet, has properly applied for and been issued, by the Department, either an abrasive blasting project permit or annual permit under this Section; or
    - B. Greater than 1,000 square feet but not more than 10,000 square feet, has properly submitted a notice to the Department under this Section,

except where such blasting is part of a process requiring an operating permit under Subparts C.1 or C.2 of this Article.
- b. **Regulations Cumulative.** In addition to complying with all applicable provisions of this Section, no person shall conduct, or allow to be conducted, abrasive blasting of any surface unless such abrasive blasting also complies with all other applicable requirements of this Article unless such requirements are specifically addressed by this Section.

c. **Permit Applications and Notices.**

1. Properly completed applications for permits and notices required under this Section, along with the appropriate fees, shall be submitted to, and received by, the Department no later than 30 days prior to the proposed date, and in the case of notices the actual date, of commencement of the proposed abrasive blasting.
2. Permit applications and notices under this Section shall be made on forms approved by the Department, signed by the owner of the site, and submitted in duplicate to: Abrasive Blasting Permit Applications, Allegheny County Health Dept., Bldg. 3, 3901 Penn Ave., Pittsburgh, PA 15224-1345.
3. Permit applications and notices under this Section shall include all information necessary for the Department to determine full compliance with this Article, including, but not limited to:
  - A. Name, mailing and street address, telephone number, and contact person of the owner of the site;
  - B. Names, mailing and street addresses, telephone numbers, and contact persons of the person (e.g. contractor) to perform the abrasive blasting and the general contractor, if any, for the site, if known; if not known at the time of application or notice, this information must be submitted to, and received by, the Department, prior to the commencement of any abrasive blasting;
  - C. Exact location of the site, including the street and number, municipality, and postal ZIP code for the property and the specific location on the property, and a detailed description of the surrounding area, including the residential, commercial, industrial, or undeveloped nature of the area;
  - D. Starting and completion dates and daily operating hours for the abrasive blasting;
  - E. Detailed description of the nature and size of the surface to be blasted, including the square feet to be blasted;
  - F. Specific work practices, procedures, equipment, and abrasives to be utilized at the site to comply with the requirements of this Article;
  - G. Detailed justification for the use of abrasive blasting rather than an alternative method of surface preparation; and
  - H. Detailed description of the proposed manner of disposal of the spent abrasive and blast residue or any other waste material generated.
4. **Testing of paint.** For all projects involving the removal of paint, the required application or notice under this Section shall include independent laboratory test results indicating the lead content, if any, of the paint to be removed. The sampling and analysis of paint required under this Section shall be conducted in accordance with either Part G of this Article or any other methods approved in advance by the Department.

d. **Permit Application Fees.**

1. For each permit application required under this Section, other than for annual permits, the owner of the subject surface shall submit to the Department a project permit application fee, payable to the Allegheny County Air Pollution Control Fund for the proposed abrasive blasting. The amount of the fee shall be set by the Board of Health.

2. For each annual permit application required under this Section, the owner of the subject surfaces shall submit to the Department an annual permit application fee in the amount set by the Board of Health, payable to the Allegheny County Air Pollution Control Fund, for the proposed abrasive blasting. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
  3. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
- e. **Standards for Issuance.** The Department shall not issue an Abrasive Blasting Permit under this Section unless a properly completed application, with the appropriate fee, has been submitted to, and received by the Department in accordance with this Section, and such application demonstrates to the Department's satisfaction that the blasting will be conducted in full compliance with the requirements of this Article.
  - f. **Project Permits.** Unless covered by an annual permit, separate project permits shall be required for each different structure to be blasted.
  - g. **Annual Permits.** In place of project permits, an annual permit may be issued for on-going, in-house abrasive blasting operations involving continuous or intermittent abrasive blasting performed at a specified site.
  - h. **Permit Term.** Unless revoked by the Department under this Article:
    1. A project permit issued under this Section shall expire on either the project completion date identified in the application, any expiration date identified on the issued permit, or 365 days after the date of issuance, whichever is sooner; and
    2. An annual permit issued under this Section shall expire on either any expiration date identified on the issued permit, or on December 31 of the year of issuance, whichever is later.
  - i. **Notices of Set-up & Preparation and of Completion.**
    1. **Set-up and Preparation Notice.** No person shall conduct, or allow to be conducted, any abrasive blasting activities requiring a permit under this Subpart unless, following completion of the full set-up and preparation of the work area, including the commencement and continuing maintenance of any required negative air pressure in the work area, any other controls, and any required monitoring, but prior to the commencement of any actual abrasive blasting activity, the Department is notified of such completion of set-up and preparation. Such notice shall include the abrasive blasting permit number, the names of the owner and the abrasive blasting contractor, the street address and municipality of the project site, the name and phone number of the person submitting the notice, and the estimated date and time of the actual commencement of abrasive blasting.
    2. The owner or operator shall notify the Department of the date on which all abrasive blasting and clean-up activities have been finally completed at a site no later than 24 hours after such date.
  - j. **Monitoring.** If the Department determines, on the basis of any information available to it, that emissions or potential emissions from any proposed or existing abrasive blasting operation may reasonably be anticipated to have a potentially adverse impact upon the public health, safety, or welfare due to, among other concerns, the presence of lead paint, the Department may, by order or permit condition, require the owner or operator to implement ambient air quality monitoring programs during the abrasive blasting operation and to submit the monitoring results to the Department as expeditiously as possible. All ambient air quality sampling, analysis, and reporting required under this Section shall be conducted in accordance with either Part G of this Article or any other federal or state guidance acceptable to the Department. All such ambient air quality sampling, analysis, and reporting shall be conducted by persons who have no financial interest in, or personal association with, the site owner or operator, the general contractor, or the

abrasive blasting contractor or subcontractor, and in accordance with a plan approved in advance by the Department and in accordance with all applicable orders and permit conditions. Such plan shall include a statement of qualifications, QA/QC program, specifications for monitor type and placement, monitoring duration, and a reporting schedule.

k. **Rejection, Suspension, and Revocation.**

1. The Department may, at any time, reject a permit application under this Section or suspend or revoke a permit issued under this Section if it determines that:
  - A. Any statement made in the permit application or any other submittal by the applicant to the Department is not true, or that material information has not been disclosed in the application or any such submittal;
  - B. The abrasive blasting operation is not being conducted or will not be conducted, or the proposed operation will not be conducted, in full compliance with all applicable provisions of this Article and all applicable permits and orders;
  - C. Potential or actual emissions from the operation or proposed operation are potentially endangering, or are likely to potentially endanger, public health, safety or welfare; or
  - D. It has been denied lawful access to the site as authorized by Part I of this Article.
2. Rejected applications and revoked permits can not be reconsidered or reissued. Consideration and issuance of new applications and permits can only occur after submittal of a new application and fee in accordance with this Section.
3. Reinstatement of a suspended permit can only occur after the owner has, to the Department's satisfaction, corrected all problems and demonstrated an ability and willingness to comply with all requirements, and documented such corrections and demonstration to the Department.

l. **High-silica abrasives.** No abrasive blasting using high-silica abrasives shall be conducted at any time.

m. **Abrasive blasting involving lead paint.** For all abrasive blasting involving lead paint:

1. Visible emissions shall comply with the requirements of §2104.01.a of this Article at the source at all times; and
2. Best Available Control Technology shall be used at the site at all times to minimize visible emissions beyond the property line, public exposure to particulate matter, and the deposition of particulate matter upon public or private property.

n. **Abrasive blasting not involving lead paint.** For all abrasive blasting not involving lead paint, visible emissions shall comply with the requirements of §2104.01 of this Article at all times when conducting abrasive blasting.

- o. **Clean-up, Storage, and Disposal Procedures.** A complete clean-up of all spent abrasive and blast and cleaning residue, shall be conducted upon termination of abrasive blasting activities each day and upon the final termination of the project. Clean-up procedures shall include, at a minimum, the following:
1. The daily collection of all spent abrasive and blast and cleaning residue, if any, visible in the vicinity of the blasting site.
  2. All vacuuming of spent abrasive and blast and cleaning residue, for all abrasive blasting not involving lead paint, shall be performed using an industrial vacuum cleaner equipped with an exhaust filter.
  3. All vacuuming of spent abrasive and blast and cleaning residue, for all abrasive blasting involving lead paint, shall be performed using an industrial vacuum cleaner equipped with a HEPA filter.
  4. All stockpiles of new or recycled abrasive materials at the site shall be covered at all times, except and only to the extent necessary to remove or add materials to the piles.
  5. All spent abrasive and blast and cleaning residue at the site shall be stored for disposal in covered containers, and shall not be stored at the site in violation of any applicable Federal, State, and local environmental regulations.
  6. All spent abrasive and blast and cleaning residue from the site, and all other solid waste and waste water generated at the site from the abrasive blasting activity, shall be properly disposed of in accordance with all applicable Federal, State, and local environmental regulations.
- p. **Alternative Standards or Procedures.**
1. The Department may, on a case-by-case basis, approve an alternative standard or procedure to be followed on a specific abrasive blasting project in lieu of a requirement of this Section provided that the requested alternative standard or procedure is submitted, in writing, and demonstrates to the Department's satisfaction that:
    - A. The proposed alternative standard or procedure is equivalent to a requirement of this Section; or
    - B. That strict compliance with the requirements of this Section are unreasonable or impossible in the particular circumstances involved, and the proposed alternative standard or procedure will minimize, to the maximum extent possible, the potential for the public's exposure to emissions from the abrasive blasting project.
  2. Approval to institute an alternative standard or procedure must be received, in writing, from the Department prior to the use of such alternative standard or procedure.
  3. Abrasive blasting activity subject to this Section involving specific activities such as, but not limited to, the use of vacuum shrouded power tools, must fully comply with all requirements of this Section, including, but not limited to, all containment requirements, unless specific alternative procedures have been approved under this Section.

## **SUBPART 6 - ASBESTOS SOURCES**

### **§2105.60 ASBESTOS ABATEMENT CONTRACTOR LICENSES** *{Paragraph c amended July 16, 2009, effective July 26, 2009.}*

- a. **General.** In addition to the accreditation and permit requirements under §§2105.61 and 2105.62, respectively, of this Article, no person shall remove, encase, or encapsulate, or allow the removal, encasement, or encapsulation of, ACM in any facility subject to §2105.62 of this Article unless the person engaged in the removal, encasement, or encapsulation has been issued and currently holds a valid Annual Asbestos Abatement Contractor License, hereinafter referred to as License, issued by the Department under this Section.
- b. **License Applications.**
  1. Properly completed applications for Licenses under this Section, along with the appropriate fees, shall be submitted to, and received by, the Department, on forms approved by the Department, no later than 45 days prior to the proposed date of commencement of any proposed asbestos abatement activities proposed to be conducted by the applicant.
  2. Properly completed applications for the annual renewal of Licenses under this Section, along with the appropriate fees, shall be submitted to, and received by, the Department no later than 30 days prior to the date of expiration of the License proposed to be renewed.
  3. License applications under this Section shall be made on forms approved by the Department, signed by the applicant, and submitted in duplicate to: Asbestos Contractor License Applications, Allegheny County Health Department, Bldg. 3, 3901 Penn Ave., Pittsburgh, PA 15224-1345.
  4. License applications under this Section shall include all information necessary for the Department to determine full compliance with this Article, including, but not limited to:
    - A. Name, mailing and street address, telephone number, and contact person of the applicant;
    - B. Verification that all employees of the applicant to be engaged in asbestos abatement have successfully complied with the accreditation requirements set forth in §2105.61 of this Article within the past 12 months;
    - C. Written standard operating procedures and employee protection plans implemented by all employees engaged in asbestos abatement activity;
    - D. Certification that employees engaged in asbestos abatement have been and will continue to be supplied with protective clothing and equipment, including but not limited to disposable whole body coveralls, hoods and boots, and respirators approved for asbestos protection; and
    - E. Citations or notices of violation issued or levied against the applicant by any federal, state, or local government agency for violations during or related to asbestos abatement activity in any jurisdiction during the prior three years.
- c. **License Application Fees.** For each initial and annual renewal License application required under this Section, the applicant shall submit to the Department a License application fee payable to the Allegheny County Air Pollution Control Fund. The amount of the fee shall be set by the Board of Health. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.

- d. **Application Amendments.** During the Department review of an application under this Section or the term of a License issued under this Section, the applicant or License holder, as the case may be, shall notify the Department of any changes in the information provided to the Department in such application by no later than 30 days after such changes are effective.
- e. **Action on License Applications.**
1. Within 30 days after receiving an initial License application under this Section, the Department will acknowledge receipt of the application and notify the applicant of all deficiencies in the application. A failure by the Department to acknowledge receipt or provide notice of completeness within such 30 days shall not prevent the Department from finding such application incomplete or from rejecting the application as failing to meet the requirements of this Article.
  2. Within 45 days after receiving a properly completed application under this Section, including the appropriate fee, and all additional information subsequently required by the Department, the Department will take final action on such application. No license under this Subpart shall be issued after a certain time because the Department has failed to take action on the application, nor shall any such license be issued by default.
  3. **Standards for Issuance.** The Department shall not issue an initial License or renew a License under this Section unless a properly completed application, with the appropriate fee, has been submitted to, and received by the Department in accordance with this Section, and such application demonstrates to the Department's satisfaction that the applicant has fully complied with, and has the ability to fully comply with, all applicable requirements under this Article.
- f. **License Term.** Unless revoked by the Department under this Article, a License issued under this Section shall expire on either any expiration date identified on the issued License, or on December 31 of the year of issuance, whichever is later.
- g. **Rejection, Suspension, and Revocation.**
1. The Department may, at any time, reject a License application under this Section or suspend or revoke a License issued under this Section if it determines that:
    - A. Any statement made in the License application or any submittal by the applicant to the Department is not true, or that material information has not been disclosed in the application or any such submittal;
    - B. The applicant or License holder has failed to comply with any requirements of this Article, any requirements of any order issued under this Article, or the terms and conditions of any permit under this Article;
    - C. Any permit under which the applicant or License holder is conducting asbestos abatement activity has been revoked under this Article based in whole or in part on actions, or a failure to act, on the part of the applicant or License holder; or
    - D. It has been denied lawful access to any premises upon which the applicant or License holder is engaged in asbestos abatement activity or to any records of the License holder to which it is authorized by §2109.01 of this Article.
  2. Rejected applications and revoked licenses can not be reconsidered or reissued. Consideration and issuance of new applications and licenses can only occur after submittal of a new application and fee in accordance with this Section.



3. Reinstatement of a suspended license can only occur after the owner has, to the Department's satisfaction, corrected all problems and demonstrated an ability and willingness to comply with all requirements, and documented such corrections and demonstration to the Department.

## **§2105.61 ASBESTOS ABATEMENT ACCREDITATION REQUIREMENTS**

### **a. Certification.**

1. No person shall:
  - A. Inspect for ACM;
  - B. Prepare an asbestos management plan;
  - C. Design or conduct an asbestos response action;
  - D. Conduct or supervise the removal, encasement, or encapsulation of asbestos,
2. Unless such person is in full compliance with all applicable accreditation requirements set forth in:
  - A. §206 of the federal Toxic Substances Control Act (TSCA), 15 U.S.C. §2646, and the federal regulations promulgated thereunder at 40 CFR Part 763 Subparts E, F, and G, §763.80 et seq., and appendices; and
  - B. §§2104 and 2105 of the Pennsylvania Asbestos Occupations Accreditation and Certification Act, 63 P.S. §§2104 - 2105, and the state regulations promulgated thereunder by the Pa. Dept. of Labor and Industry (DOLI),

all of which are hereby incorporated into this Article by reference. Additions, revisions, or deletions to such federal and state regulations are incorporated into this Article and are effective on the date established by the respective regulations, unless otherwise established by regulation under this Article.

- b. **Documentation.** No person shall engage in the removal, encasement, or encapsulation of ACM, or in the supervision of workers engaged in the removal, encasement, or encapsulation of ACM, for which a permit is required under this Article unless said person has in their possession or at the asbestos abatement site office, and available for inspection upon request by any Health Department representative or law enforcement officer, during any asbestos abatement activity:
  1. An original printed photocard issued by DOLI under Subparagraph a.2.B of this Section, or an original card or certificate issued by a course pursuant Subparagraph a.2.A. or B of this Section which indicates the name and accreditation status of the training organization, the name of the certified worker or supervisor, the status and date of certification, and a certification number, all of which indicate compliance with Subsection a above; and
  2. A photo identification card (e.g. PA drivers license) if the documentation required by Paragraph b.1 above is not a photo I.D.

§2105.62

**ASBESTOS ABATEMENT APPLICABILITY, FEDERAL REQUIREMENTS, NOTICES, AND PERMITS**

*{Paragraph h amended July 16, 2009, effective July 26, 2009. Subsection h amended September 15, 2021, effective September 25, 2021. Subsections f and g amended November 24, 2025, effective December 4, 2025.}*

- a. **Applicability.** This Section and Section 2105.63 apply to:
1. The removal, encasement, or encapsulation of ACM at a facility; and
  2. The demolition of any facility.
- b. **Incorporation by Reference - Federal Regulations.** All federal asbestos abatement regulations adopted at Title 40, Code of Federal Regulations, Part 61, Subpart M, NESHAP's, 40 CFR §61.140 et seq. by the EPA are hereby incorporated into this Article by reference. Additions, revisions, or deletions to such regulations adopted by the EPA are incorporated into this Article and are effective on the date established by the Federal regulations, unless otherwise established by regulation under this Article. Notwithstanding the applicability provisions of the regulations incorporated under this Subsection, the substantive requirements of this Subsection apply to all activities that are subject to this Section as set forth under Subsection a above.
- c. **Asbestos Bulk Sampling and Analysis.** Bulk samples shall be analyzed to determine asbestos content:
1. By using, at a minimum, either polarized light microscopy (PLM) with point counting, supplemented, where necessary, by x-ray diffraction, as specified in Chapter 18 of the Allegheny County Source Testing Manual, entitled "Determination of Asbestos Content of Bulk Samples", or any other methods acceptable to the Department; and
  2. By independent laboratories participating in the EPA's bulk asbestos sample quality assurance program, as specified in Chapter 18 of the Allegheny County Source Testing Manual, entitled "Determination of Asbestos Content of Bulk Samples".
- d. **Calculation of Square Feet of ACM.** For purposes of determining the amount of ACM in a facility to be demolished or the amount of ACM to be removed, encased, or encapsulated at a facility, the square feet of ACM on cylindrical facility components such as pipes shall be calculated using the following formula:

$$A = 0.02 (D) (L)$$

where **A** = The area of ACM to be removed, encased, or encapsulated in square FEET;

**D** = The outside diameter of the cylindrical facility component, including any ACM to be removed, encased, or encapsulated, insulation, coating, or covering, in INCHES; and

**L** = The length of the cylindrical facility component from which, or on which, the ACM is to be removed, encased, or encapsulated, in INCHES,

and all calculations must be included in all required applications or notices.

- e. **Authority to Determine and Eliminate Public Health Hazard.**
1. In cases where the Department believes ACM is present in a facility in such a condition as to pose a potential public health hazard, the Department shall have the authority to issue an order requiring the facility owner or operator to have bulk samples of the suspected ACM collected and analyzed in accordance with Subsection c of this Section, and submit a copy of the laboratory results to the Department as expeditiously as possible.

2. If the Department determines, on the basis of any information available to it, that the presence and condition of ACM in a facility poses a public health hazard, the Department may issue an order pursuant to §§2109.03 or 2109.05 of this Article requiring the facility owner or operator to immediately take such action as is necessary to eliminate such public health hazard.
- f. **Demolition Notice.** No person shall demolish, or allow the demolition, of any facility unless the owner of the facility proposed to be demolished has either:
1. Submitted to the Department, and the Department has received, by no later than 10 days prior to the beginning of the proposed demolition, if there is:
    - Less than 260 linear feet of pipe with ACM and a total of less than 160 square feet of, or no, ACM present in the facility,

A written notice, with the appropriate fee under Paragraph H of this subsection, which includes, at a minimum, the following information about the facility proposed to be demolished:

    - A. Names, mailing and street addresses, telephone numbers, and contact persons of the owner, and operator if not the owner, of the facility;
    - B. Name, mailing and street addresses, telephone number, and contact person of the person (e.g. contractor) to perform the demolition;
    - C. Exact location (e.g. street name and number) of the facility;
    - D. The age and prior and present usage of the facility;
    - E. Name, mailing and street addresses, telephone number, and contact person of the inspector, certified under §2105.61.a of this Article, who performed the ACM inspection at the facility proposed to be demolished;
    - F. Copy of the documentation of the ACM Inspector's certification under §2105.61.a and Subparagraph 2.E of this Subsection;
    - G. Copy of the documentation of the results of the ACM inspection showing that no asbestos removal project permit is required prior to demolition due to the absence, or the presence of less than 260 linear feet of pipe with ACM and a total of less than 160 square feet, of ACM in the facility; and
    - H. Demolition Notice Fees. For each demolition notice required under this section, the applicant shall submit to the Department a Demolition Notice Fee payable to the Allegheny County Air Pollution Control Fund, in an amount to be set by the Board of Health. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by the Allegheny County Council; or
  2. Prior to the proposed demolition, if there is:
    - 260 linear feet or more of pipe with ACM or a total of 160 square feet or more of ACM present in the facility,
    - A. Submitted to the Department, and the Department has received, a properly completed Asbestos Abatement Project Permit (asbestos permit) application, with the appropriate fee, for any such permit required under Subsection h of this Section;
    - B. Been issued such permit; and

- C. Removed all ACM in the facility and fully complied with all applicable provisions of this Article and such permit.

g. **Undersized Project Notice.** No person shall conduct, or allow to be conducted, the removal, encasement, or encapsulation of ACM on less than 260 linear feet of pipe and a total of less than 160 square feet of ACM at any facility, unless the owner of the facility has submitted to the Department a properly completed notice under this Section, with the appropriate fee under Paragraph 12 of this subsection, and such notice has been received by the Department either at least 10 days prior to the start of such proposed abatement project or, for a project involving less than seven (7) square feet of ACM, no later than 10 days after the completion of the project, or for a facility with a current Operating & Maintenance (O&M) Plan approved by the Department under this Subpart, as part of the appropriate O&M Plan quarterly report, and includes, at a minimum, the following information about the facility and the proposed abatement project or the completed project:

1. Names, mailing and street addresses, telephone numbers, and contact persons of the owner, and operator if not the owner, of the facility;
2. Names, mailing and street addresses, telephone numbers, and contact persons of all persons preparing any asbestos management plans or designing any asbestos response actions for the facility related to the proposed project, and copies of the documentation of such persons' certifications under §2105.61.a of this Article;
3. Exact location (e.g. street name and number) of the facility;
4. The age and prior and present usage of the facility;
5. Name, mailing and street addresses, telephone number, and contact person of the inspector, certified under §2105.61.a of this Article, who performed the ACM inspection at the facility, and a copy of the documentation of the ACM Inspector's certification under §2105.61.a;
6. Copy of the documentation of the results of the ACM inspection showing that no asbestos removal project permit is required due to the presence of ACM on less than 260 linear feet of pipe and a total of less than 160 square feet of ACM in the proposed project area and, for a facility without a current O&M Plan, including the proposed project, how many square feet of ACM has been removed or encapsulated at the facility in the past one (1) year period;
7. Detailed description of the types, amounts, and specific locations within the facility of all ACM to be removed, encased, or encapsulated, including maps, blueprints, and sketches where necessary;
8. Starting and completion dates and times for the removal, encasement, or encapsulation;
9. Specific work practices, procedures, and equipment to be utilized on this project to comply with the requirements of 40 CFR §61.145(c), the federal requirements for planned asbestos abatement renovation/maintenance operations as incorporated by reference under Subsection b above;
10. Name, mailing and street addresses, telephone number, and contact person of the waste disposal firm transporting the asbestos-containing waste material from the project area to the waste disposal site; and
11. Name, mailing and street addresses, telephone number, and contact person of the waste disposal site where the asbestos-containing waste material will be disposed of.
12. **Undersized Project Notice Fees.** For each notice required under this Section, the applicant shall submit to the Department an Undersized Project Notice Fee payable to the Allegheny County Air Pollution Control Fund, in an amount to be set by the Board of Health. Any fees approved by the

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

h. **Permits.**

1. **Generally.** No person shall conduct, or allow to be conducted, the removal, encasement, or encapsulation of:
  - A. Either:
    - i. ACM on 260 linear feet or more of pipe or a total of 160 square feet or more of ACM at any facility; or
    - ii. Any ACM at any facility without a current Operating & Maintenance (O&M) Plan approved by the Department under this Subpart if the Department has determined that a permit is required as a result of recent multiple prior related projects, each involving the removal, encasement, or encapsulation of ACM on less than 260 linear feet of pipe and a total of less than 160 square feet of ACM at the same facility as the current project,
  - B. Unless:
    - i. The owner of the facility has submitted to the Department a properly completed Asbestos Abatement Project Permit (asbestos permit) application, on forms approved by the Department, with the appropriate fee, under this Section;
    - ii. Such permit has been issued; and
    - iii. Such abatement is conducted in compliance with this Article and such permit.
2. **Posting.** The notice of issuance of the permit required by this Subsection shall be posted in a conspicuous location immediately adjacent to the work area at all times during the set-up and conducting of the asbestos abatement project until the Department has accepted the results of all required Final Clearance Inspections under this Part.
3. **Application.**
  - A. At least 10 working days prior to the proposed start of any asbestos abatement project requiring a permit under this Subsection, the owner of the facility shall submit to the Department, and the Department shall receive, a properly completed Asbestos Permit application, on application forms provided by the Department, with the appropriate fee under Paragraph 4 of this Subsection, which includes all information necessary for the Department to determine that such proposed project will fully comply with all requirements of this Article, including, but not limited to:
    - i. All information required to be included in undersized project notices under Subsection g of this Section;
    - ii. A detailed description of decontamination enclosure systems to be utilized, including floor plans;
    - iii. The specific sampling and analysis procedures to be utilized for the final clearance air sampling; and
    - iv. The names, mailing and street addresses, telephone numbers, and contact persons of the firms conducting the final clearance air sampling and analysis.

- B. A separate asbestos abatement permit, with its own application and fee, is required for each separate structure, installation, and building in which abatement activity is to be conducted, and for each different asbestos abatement contractor to conduct asbestos abatement activities.
4. **Application Fees.** For all permit and Operating & Maintenance (O&M) Plan applications required under this Subpart, by the deadline for the submittal of such applications, the owner of the facility requiring such application shall submit to the Department an Asbestos Permit application fee, payable to the Allegheny County Air Pollution Control Fund, in an amount to be set by the Board of Health. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
5. **Standards for Issuance.**
- A. The Department shall issue a permit or amended permit under this Subsection only if:
    - i. The application for such permit was timely filed with the Department, along with the appropriate fee, and in all other respects fully complies with all applicable requirements of this Article; and
    - ii. On the basis of all information available to the Department, the Department determines that the applicant is able and intends to fully comply with all requirements of this Article.
  - B. The Department shall not issue a permit under this Subsection for any project which does not require a permit under this Section, and no person shall apply, or allow the application, for a permit under this Subsection for a project which does not require a permit under this Section.
  - C. Permits shall only be issued to the owner of the site of the proposed project.
6. **Action on Applications.** The Department will take one of the following actions on each application under this Subsection:
- A. Issuance of an Asbestos Permit or amended permit as applied for;
  - B. Issuance of an Asbestos Permit or amended permit with different or additional specific conditions deemed necessary by the Department to ensure compliance with all requirements of this Article; or
  - C. Rejection of the application for failure to fully comply with the requirements of this Article. Such denial of a request for a permit or amended permit shall include a written notice to the applicant of the specific deficiencies in the application.
7. **Term of Permits - Permit Extensions.**
- A. Unless revoked by the Department under this Article, a permit issued under this Section shall expire on either the project completion date identified in the application, any expiration date identified on the issued permit, or 365 days after the date of issuance, whichever is sooner.
  - B. Any request for the extension of the term of a permit, i.e. the extension of a permit expiration date, shall be in the form of an application for a permit amendment. Such an application can only be submitted on or before the current permit expiration date and must include:

- i. A specific resumption date if work has ceased and will not recommence until after the current expiration date;
  - ii. A specific new expiration date; and
  - iii. The reason for the need for the extension.
- C. No fee is required for a timely application submitted in compliance with Subparagraph B above, and the amended permit, if approved by the Department, shall be effective on the date of application.
- D. In no case shall an expiration date of a permit be extended beyond 365 days after the date of initial issuance of such permit.
- E. All applications for extensions received after the current expiration date and all applications requesting the extension of an expiration date beyond 365 days after the date of the initial issuance of a permit shall constitute applications for a new permit and shall be rejected unless accompanied by the appropriate fee and in full compliance with all requirements for such an application under this Section. Such new permits, if approved, shall not be effective until issued.
- F. An application for a new permit to continue a project after the expiration of a permit 365 days after the initial issuance of such permit shall only be for the asbestos abatement activity remaining to be done.

8. **Permit Amendments - Other than Solely for Permit Extensions.**

- A. No person shall remove, encase, or encapsulate, or cause to be removed, encased, or encapsulated, any ACM during asbestos abatement activities conducted under a permit under this Section other than the ACM identified, by type, amount, and specific location within the facility, in the application and permit, unless for such additional ACM:
  - i. Where all of the additional ACM is located within the existing containment barriers under the current permit:
    - (a). The owner of the facility has submitted to the Department a properly completed Asbestos Permit Amendment application including:
      - (1). A detailed description of the types, amounts, and specific locations within the facility of all additional ACM to be removed, encased, or encapsulated, including maps, blueprints and sketches where necessary; and
      - (2). The appropriate fee, under this Section, in the amount of either the difference between the amount of the fee for the total amount of the ACM to be abated under the current permit plus the additional ACM to be removed, encased, or encapsulated, less the amount of the fee previously paid for the current permit, or in the amount set by the Board of Health, whichever is more;
    - (b). Such permit amendment has been issued; and
    - (c). Such abatement is conducted in compliance with this Article and such amended permit; or

- ii. Where the additional ACM is located within the same facility under the current permit, but any portion of the additional ACM is located outside the existing containment barriers under the current permit:
  - (a). The owner of the facility has submitted to the Department a separate properly completed new Asbestos Permit application including:
    - (1). All requirements for a permit application under this Section except;
    - (2). The appropriate fee, under this Section, in the amount of either the difference between the amount of the fee for the total amount of the ACM to be abated under the current permit plus the additional ACM to be removed, encased, or encapsulated, less the amount of the fee previously paid for the current permit, or in the amount set by the Board of Health, whichever is more;
  - (b). Such new permit has been issued; and
  - (c). Such abatement is conducted in compliance with this Article and such new permit.
- B. In no case shall an amended permit act to extend the expiration date of a permit beyond 365 days after the date of initial issuance of such permit.
- C. All applications for amendments received after the current expiration date and all applications for amendments including a new expiration date beyond 365 days after the date of the initial issuance of the current permit shall constitute applications for a new permit and shall be rejected unless accompanied by the appropriate fee and in full compliance with all requirements for such an application under this Section. Such new permits, if approved, shall not be effective until issued.
- D. Asbestos permit amendment applications may, in the sole discretion of the Department, be conditionally approved in the field or verbally over the phone, but such approval is automatically null and void unless:
  - i. By no later than 2:00 PM on the next Department business day, the owner of the facility has submitted to the Department a properly completed Asbestos Permit Amendment application including:
    - (a). A detailed description of the types, amounts, and specific locations within the facility of all additional ACM to be removed, encased, or encapsulated, including maps, blueprints and sketches where necessary;
    - (b). The appropriate fee, under this Section, in the amount of either the difference between the amount of the fee for the total amount of the ACM to be abated under the current permit plus the additional ACM to be removed, encased, or encapsulated, less the amount of the fee previously paid for the current permit, or in the amount set by the Board of Health, whichever is more; and
    - (c). A detailed description of all changes in work practices, procedures, and equipment at the facility, including maps, blueprints and sketches where necessary;



- ii. Such abatement is conducted in compliance with this Article and such amended permit application as issued by the Department; and
  - iii. Such permit amendment is subsequently issued by the Department.
- E. Asbestos permit amendments under Subparagraph D above not requiring any fee may, in the sole discretion of the Department, be tentatively approved in the field or verbally over the phone and finally approved by the issuance of a memo amendment by the Department to the site owner. Such asbestos abatement activities may proceed in accordance with such amendment following tentative approval, but only if:
  - i. Such abatement is conducted in compliance with this Article and such amended permit application as issued by the Department; and
  - ii. Such permit amendment is subsequently issued by the Department.
- F. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.

**9. Rejection, Suspension, and Revocation.**

- A. The Department may, at any time, reject a permit or permit amendment application under this Section or suspend or revoke a permit issued under this Section if it determines that:
  - i. Any statement made in the application or any other submittal by the applicant to the Department is not true, or that material information has not been disclosed in the application or any such submittal;
  - ii. The asbestos abatement project is not being conducted or will not be conducted, or the proposed project will not be conducted, in full compliance with all applicable provisions of this Article and all applicable permits and orders;
  - iii. Potential or actual emissions from the project or proposed project are potentially endangering, or are likely to potentially endanger, public health, safety or welfare;
  - iv. It has been denied lawful access to the site as authorized by Part I of this Article; or
  - v. A request for an alternative procedure does not include sufficient written details of the requested alternative procedure necessary for the Department to evaluate such procedure.
- B. Rejected applications and revoked permits can not be reconsidered or reissued. Consideration and issuance of new applications and permits can only occur after submittal of a new application and fee in accordance with this Section.
- C. Reinstatement of a suspended permit can only occur after the owner has, to the Department's satisfaction, corrected all problems and demonstrated an ability and willingness to comply with all requirements, and documented such corrections and demonstration to the Department.
- D. In no case shall the rejection, suspension, or revocation of any application or permit entitle the applicant or permit holder to any refund of any fee or part thereof.

- E. The Department, solely in its discretion, may, in lieu of rejecting, suspending, or revoking an application or permit, and if sufficient information has been provided to the Department, issue a permit or amended permit with whatever conditions are necessary to ensure compliance with this Article.

10. **Permit Conditions.**

- A. All information provided to the Department as part of the asbestos abatement permit or amendment application process constitutes conditions of the permit, if issued, unless:
  - i. The Department amends such conditions either in the permit or an amendment; or
  - ii. Such conditions are not in compliance with any requirements of this Article, unless:
    - (a.) An alternative procedure has been specifically applied for by the applicant; and
    - (b.) Such alternative procedure has been specifically approved by the Department.
- B. No person shall remove, encase, or encapsulate, or cause to be removed, encased, or encapsulated, any ACM during asbestos abatement activities conducted under a permit under this Section other than the ACM identified, by type, amount, and specific location within the facility, in the permit.

i. **Requests for Waivers from Requirement for 10 day Advanced Applications and Notices.**

- 1. The requirement to submit all permit applications and initial undersized project notices under this Section at least 10 working days prior to the proposed start of any asbestos abatement project requiring such permit or notice under this Subsection may be waived by the Department, in the sole discretion of the Department, only where the applicant communicates to the Department specific verifiable information regarding an alleged emergency situation and the Department determines, in its sole discretion, on the basis of any information available to it, that an emergency exists that necessitates immediate asbestos abatement action to protect the public health, safety, or welfare.
- 2. No person shall apply for a waiver under this Subsection, or allow the application for such a waiver, where no emergency exists that necessitates immediate asbestos abatement action to protect the public health, safety, or welfare.

j. **Operating & Maintenance Plans.**

- 1. Upon submittal of a properly completed application, with the appropriate fee, in accordance with Paragraphs h.3 and h.4 above, and demonstrating compliance with Subsection g above, the Department may, subject to Paragraphs h.5 through h.10 above, approve an Operating & Maintenance (O&M) Plan for multiple undersized asbestos abatement projects subject to Subsection g of this Section for a period not to exceed 365 days at a facility or multiple facilities located on contiguous, or nearly contiguous, properties and under common control.
- 2. Notwithstanding the requirements of Subparagraph h.3.D of this Section, an O&M plan can include asbestos abatement activity conducted by different asbestos abatement contractors.
- 3. For each 90 day period following the approval of an O&M Plan, the owner of the facilities under such plan shall submit a written quarterly report to the Department, by no later than 30 days

following the end of each 90 day period, which consists of the applicable portions of the notices required under Subsection g above for all projects started or completed during such 90 day period.

- k. **Set-up and Preparation Notice.** No person shall conduct, or allow to be conducted, the removal, encasement, or encapsulation of ACM at any facility, unless following completion of the full set-up and preparation of the work area, including the commencement and continuing maintenance of negative air pressure in the work area, but prior to the commencement of any actual removal, encasement, or encapsulation, the Department is notified of such completion of set-up and preparation. Such notice shall include the asbestos permit number, the names of the permit applicant and the licensed contractor, the street address and municipality of the project site, the name and phone number of the person submitting the notice, and the estimated date and time of the actual commencement of ACM removal, encasement, or encapsulation.

**§2105.63 ASBESTOS ABATEMENT PROCEDURES** *{Paragraph k amended July 16, 2009, effective July 26, 2009.}*

- a. **Applicability.** This Section applies to all asbestos abatement projects required to have a permit under §2105.62 of this Article.
- b. **Facility Protection.** No person shall conduct, or allow to be conducted, asbestos abatement activities at any facility unless:
  - 1. Clearly identifiable signs with, and only with, the following specific warning, word for word, are posted at the facility, at eye level in a conspicuous location easily read by passers-by, at all potential approaches to the work area, a sufficient distance from the work area to permit a person to read the sign and take the necessary protective measures to avoid potential exposure, from the commencement of preparation for the project until acceptance by the Department of all final clearance inspections for the work area:

"- DANGER - ASBESTOS -  
- CANCER AND LUNG DISEASE HAZARD -  
- AUTHORIZED PERSONNEL ONLY -  
- RESPIRATORS AND PROTECTIVE  
CLOTHING ARE REQUIRED  
IN THIS AREA -", and
  - 2. Negative air pressure is maintained in the work area, the air outside the work area remains uncontaminated by asbestos fibers, and negative air pressure equipment is utilized to provide, at a minimum, one (1) air change in the work area every 15 minutes, at all times, 24 hours per day, from the commencement of preparation for asbestos removal, encasement, or encapsulation until all requirements of this Part have been met.
- c. **Decontamination Outside the Work Area.**
  - 1. Any area outside of the work area which becomes contaminated as a result of the asbestos abatement activity shall be immediately decontaminated in accordance with all requirements of this Part, including but not limited to the requirements for permit applications, fees, and permits. Such decontamination activities may, in the sole discretion of the Department, be determined by the Department to constitute emergency asbestos abatement activities under this Part.
  - 2. In addition to the requirements under Paragraph 1 of this Subsection, the contamination of any area outside of a work area as a result of asbestos abatement activity constitutes a breakdown at an air pollution source under this Article requiring compliance with §2108.01.c of this Article.

- d. **Work Area Preparation.** No person shall commence or continue, or allow the commencement or continuation of, the actual removal, encasement, or encapsulation of ACM unless:
1. All heating, ventilation, and air conditioning (HVAC) systems for the work area are completely shut down or isolated from the work area.
  2. All movable objects are removed from the work area.
  3. All remaining fixed objects in the work area are covered and enclosed with minimum six mil plastic sheeting sealed with tape.
  4. All openings, including but not limited to windows, corridors, doorways, skylights, ducts, and grilles are sealed off with minimum six mil plastic sheeting sealed with tape.
  5. All floor and wall surfaces are covered with minimum six mil plastic sheeting sealed with tape, all floors with a minimum of two layers of six mil plastic, so that plastic on floors overlaps the plastic on walls by a minimum of 12 inches.
- e. **Decontamination Enclosure Systems.** No person shall commence or continue, or allow the commencement or continuation of, the actual removal, encasement, or encapsulation of ACM unless decontamination enclosure systems are provided, maintained, and properly utilized at all locations where persons or equipment enter or exit the work area.
1. Worker decontamination enclosure systems shall consist of three (3) rooms separated by three (3) foot minimum air locks, with the second room from the work area being a shower room and the third room from the work area being a clean room.
  2. Equipment decontamination enclosure systems shall consist of two (2) rooms separated by a triple curtain, with the room adjacent to the work area being a wash room and the second room from the work area being a holding area directly connected or ramped to an enclosed truck or trailer for transportation.
  3. These systems may consist of existing rooms outside of, but adjacent to, the work area, that are enclosed in plastic sheeting and are accessible from the work area. When existing rooms are not available, these systems must be constructed out of metal, wood, or plastic support as appropriate.
  4. Entry to and exit from all airlocks and decontamination enclosure system chambers shall be through curtained doorways consisting of three sheets of overlapping polyethylene sheeting. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to ensure that the sheets hang straight and maintain a seal over the doorway when not in use. Any other design must be approved in advance by the Department as an alternative procedure.
- f. **Removal Procedures.** No person shall commence or continue, or allow the commencement or continuation of, the actual removal of ACM unless, at a minimum, except when the glovebag technique has been approved by the Department as an alternative procedure:
1. All ACM to be removed, being removed, and having been removed, has been wetted and saturated to the substrate with an amended water solution, using low pressure equipment capable of providing a fine spray mist, and is kept wet and saturated until it can be containerized for disposal, except where an alternative procedure has been approved by the Department in advance due to special circumstances (e.g. live electrical equipment, materials previously coated with an encapsulant) which prohibit the adequate use of such wetting methods.
  2. All ACM to be removed, being removed, and having been removed, is handled in such a manner so as to prevent the release of any fibers from such ACM during such removal and disposal.

3. All ACM is removed in manageable sections capable of containerization in six mil polyethylene bags and drums, and is so containerized at least once per eight (8) hour work shift.
  4. All ACM is removed as intact sections or components and carefully lowered to the floor or containerized at elevated levels (e.g. on scaffolds) and carefully lowered to the ground, and no ACM removed from facility structures or components is dropped or thrown to the floor at any time.
  5. Except where equivalent alternative procedures have been approved by the Department in advance, all ACM removed and asbestos-containing waste material is double-bagged in two (2) six-mil polyethylene bags which are securely sealed to prevent accidental opening and leakage, not overfilled, and placed in drums for transportation to an authorized landfill; all bags and drums are sealed prior to removal from the work area and labeled in accordance with the requirements of 40 CFR §61.150(a)(1)(iv) and (v).
  6. All oversize components containing or covered with ACM, which are removed intact but do not fit into drums, are wrapped in at least two layers of six-mil polyethylene sheeting and securely sealed for transport to the landfill.
  7. After completion of the removal of ACM, all surfaces from which the ACM has been removed are wet cleaned to remove all visible residue.
- g. **Encapsulation Procedures.** No person shall commence or continue, or allow the commencement or continuation of, the actual encapsulation of ACM unless:
1. All damaged areas of existing ACM have been repaired with non-asbestos containing substitutes.
  2. All loose or hanging asbestos-containing materials have been removed in accordance with the requirements of this Section.
  3. All encapsulants are applied using airless spray equipment.
  4. All penetrating-type encapsulants are applied to penetrate existing asbestos material uniformly to the substrate and to the depth specified by the manufacturer of the encapsulant.
  5. All bridging-type encapsulants are applied to provide the manufacturer's specified number of inches of minimum dry film thickness over sprayed asbestos-containing surfaces.
  6. Encapsulated asbestos-containing materials shall be clearly designated (e.g. labels, signs, floor plans, or color codes) in order to warn of the presence of asbestos.
  7. Only non-clear and colored or tinted encapsulants are used.
- h. **Clean-up Procedures.** No person shall conduct, or allow to be conducted, any final clearance air sampling, or request, or allow to be requested, a final clearance inspection by the Department, until all ACM has been removed, encased, or encapsulated, in a work area, the following clean-up procedures and standards have been completed and achieved:
1. All visible accumulations of asbestos-containing material and asbestos contaminated debris are removed and containerized for disposal as required by this Section; and
  2. All objects and surfaces in the work area are wet cleaned, dried, vacuumed using HEPA vacuum equipment, and continue to be wet/dry cleaned until there is no visible residue of any kind in the work area, and all rags, mops, and sponges used in the clean-up have been disposed of as asbestos-containing waste material.

- i. **Lock-down Procedures.** No person shall apply, or allow the application of, any material to lock-down any object or surface in a work area prior to the results of a final clearance inspection for such area being accepted by the Department unless:
  - 1. Subsection h above has been fully complied with; and
  - 2. Only clear, colorless material is used.
- j. **Clearance Air Sampling.** No person shall request, or allow to be requested, a final clearance inspection by the Department, until clearance air sampling has been conducted for the work area in accordance with this Section, and no person shall conduct, or allow to be conducted, any final clearance air sampling unless:
  - 1. All ACM has been removed, encased, or encapsulated, in the work area, and the work area has been cleaned up, all in accordance with the requirements of this Section.
  - 2. At least five (5) samples of air per the first 5000 square feet of work area plus one sample per each additional 5000 square feet of work area, or one (1) sample of air per room, whichever is greater, is collected and analyzed in accordance with the requirements of this Subsection.
  - 3. Unless specifically directed by the Department, all clearance air sampling and analysis required under this Subpart shall only be conducted in accordance with either:
    - A. The National Institute for Occupational Safety and Health (NIOSH)/ Center for Disease Control (CDC) Standard Analytical Method for Asbestos in Air P&CAM 239 or Method 7400 (PCM), as approved in advance by the Department;
    - B. Transmission electron microscopy, as approved in advance by the Department; or
    - C. Such other method approved by both the EPA and the Department in advance.
  - 4. Asbestos abatement project clearance air sampling and analysis shall be conducted by an independent consulting company or laboratory which is trained and experienced in the appropriate procedures for collecting and analyzing such air samples and which is proficient in the NIOSH Proficiency Analytical Testing (PAT) Program.
  - 5. Aggressive sampling is conducted, a minimum volume of 1500 liters of air per sample is collected when utilizing Method 7400, and a minimum of 3000 liters of air per sample is collected when utilizing P&CAM 239.
  - 6. The airborne concentrations of asbestiform fibers detected in each sample is less than 0.01 fibers per cubic centimeter of air.
  - 7. In lieu of compliance with paragraphs 2 through 6 of this Subsection, clearance air sampling and analysis is conducted in accordance with the procedures set forth in the federal regulation regarding asbestos-containing materials in schools, at 40 CFR §§763.80 et seq., and such sampling and analysis demonstrates a level of asbestos contamination of no more than a level which determines completion of a response action under such regulations.
  - 8. The clearance air sampling laboratory analysis is retained on-site at the asbestos abatement project work area for review and a copy is provided to the Department no later than the time of its scheduled final clearance inspection.
- k. **Final Clearance Inspection.**

1. No person shall remove containment barriers, fail to continue to maintain negative air pressure at a project work area, or reopen the work area to the public, or allow any such removal, failure, or reopening, until such time as the Department has accepted the results of a final clearance inspection or reinspection for such work area.
2. Final clearance inspections shall be requested by either the licensed asbestos abatement contractor or the air monitoring or sampling firm for the project and scheduled in advance with the Department in accordance with procedures set forth by the Department's Asbestos Abatement Section.
3. The results of a final clearance inspection can not be accepted by the Department until such time that such inspection indicates that:
  - A. All clean-up and clearance air sampling requirements of this Part have been complied with; and
  - B. There is no asbestos-containing waste material or visible residue remaining on any surface or object in the work area.
4. If the results of a final clearance inspection are not acceptable to the Department:
  - A. The Department will indicate the deficiencies which must be remedied; and
  - B. A request for a final clearance reinspection shall be submitted to the Department in accordance with the Department's procedures for scheduling initial final clearance inspections. All requests to schedule a final clearance reinspection shall include the submittal to the Department of:
    - i. A final clearance reinspection application, on a form approved by the Department; and
    - ii. A Final Clearance Reinspection fee payable to the Allegheny County Air Pollution Control Fund. The amount of the fee shall be set by the Board of Health. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.
5. No person, including but not limited to owners, general contractors, asbestos abatement contractors, air monitoring or sampling firms, and their representatives, shall request or schedule a final clearance inspection or reinspection, or allow such an inspection or reinspection to be requested or scheduled, with the Department, until such time as:
  - A. All clean-up and clearance air sampling requirements of this Part have been complied with; and
  - B. There is no asbestos-containing waste material or visible residue remaining on any surface or object in the work area.
6. A failure to pass a final clearance inspection or reinspection constitutes a violation of Paragraph 5 of this Subsection.

1. **Disposal Procedures.**

1. All asbestos-containing materials, asbestos-containing waste materials, asbestos contaminated materials including, but not limited to, sealing tape and plastic, disposable clothing, respirator filters, mop heads, sponges, and rags, shall, at least once per eight (8) hour work shift and prior to

removal from the work area, be placed in leaktight containers and properly sealed and labeled, for transportation to and disposal at approved landfills.

2. All such leaktight containers shall be labeled in accordance with the requirements of 40 CFR §61.150(a)(1)(iv) and (v).
3. Alternative forms of containerization may only be approved under the alternative procedures provisions of this Part and upon a satisfactory demonstration that they are equivalent in terms of asbestos containment.
4. Double-bagged material may be carefully removed from drums at the landfill site for disposal and the drums cleaned for re-use, provided the bags are intact.
5. Asbestos-containing waste materials with sharp-edged components (e.g. nails, screws, metal lath, tin sheeting) which may tear the double six mil polyethylene bags and sheeting, shall be placed into drums for disposal together with the drum.
6. Asbestos-containing waste materials which cannot be placed in leaktight containers, shall be adequately wetted, wrapped in two (2) layers of six mil polyethylene, securely sealed, and transported from the work site to the disposal site in an enclosed truck.
7. Asbestos-containing waste materials shall be placed on the ground at the disposal site, not pushed or thrown out of trucks.
8. All asbestos-containing waste materials shall be transported directly to the approved landfill. Temporary storage at any location outside the project work area for more than eight (8) hours is prohibited.
9. All disposal receipts, trip tickets, transportation manifests and/or other documentation of transportation and disposal of the asbestos-containing waste materials shall be maintained and shall be made available to the Department, upon request, for inspection and copying.
10. All asbestos waste transportation vehicles shall be licensed in accordance with Department Rules and Regulations, Article VIII, Solid Waste and Recycling Management, and shall comply with all applicable PA Dept. of Transportation regulations.

**m. Alternative Procedures.**

1. The Department may, on a case-by-case basis, approve an alternative procedure to be followed on a specific asbestos abatement project in lieu of a requirement of this Section, only if the requested alternative procedure is submitted as part of a permit or permit amendment application to the Department in writing, and demonstrates to the Department's satisfaction that:
  - A. The proposed alternative procedure is equivalent, in terms of asbestos control, to the requirements in this Section; or
  - B. Strict compliance with the requirements of this Section are unreasonable or impossible in the particular circumstances involved, and the proposed alternative procedure will minimize, to the maximum extent possible, the potential for the public's exposure to asbestos fibers.
2. Failure to fully comply with the requirements of Paragraph 1 above or to include sufficient written details of the requested alternative procedure necessary for the Department to evaluate such procedure will result in the rejection of the request for an alternative procedure.
3. Approval to institute an alternative procedure in lieu of a requirement of this Section must be received, in writing, from the Department prior to the use of such alternative procedure.



4. Asbestos abatement activity subject to this Section involving specific activities such as, but not limited to:
  - A. The use of glove-bags;
  - B. The removal, encasement, or encapsulation of floor tile;
  - C. The removal, encasement, or encapsulation of ACM from the exterior of a structure; or
  - D. The removal, encasement, or encapsulation of ACM which will not become friable or potentially at any time during the encapsulation, encasement, or removal and disposal activities,

must fully comply with all requirements of this Part unless specific alternative procedures have been approved under this Part.

5. Asbestos abatement activity subject to this Section involving specific activities such as, but not limited to, the use of:

- A. Any heating equipment or machines; or
- B. High pressure air, liquid, or solids,

for preparation, wetting, removal, control, or clean-up are prohibited unless specifically approved as alternative procedures under this Part.

6. In no case shall compliance with this Section or any alternative procedure approved by the Department under this Article exempt any solid waste hauler from the requirements to comply with all other federal, state, county, and local solid waste transportation regulations.

---

## SUBPART 7 - MISCELLANEOUS VOC SOURCES

### **§2105.70 PETROLEUM REFINERIES**

*{Subsection b amended October 26, 2022, effective November 5, 2022.}*

#### **a. Specific Sources.**

1. **Wastewater Separators.** No person shall cause or permit the use of any compartment of any single or multiple compartment volatile organic compound wastewater separator which compartment receives effluent water containing 200 gallons a day or more of any VOC from equipment processing, refining, treating, storing, or handling VOCs unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation, as follows:
  - A. A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place; or
  - B. A container equipped with a floating roof, consisting of a pontoon-type roof, double-deck-type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.
2. **Pumps and Compressors.** All pumps and compressors handling VOCs with a vapor pressure of greater than 1.5 psi at actual conditions shall have mechanical seals. For the purpose of determining vapor pressure, a temperature no greater than 100°F (37.8°C) shall be used.
3. **Vacuum-Producing Systems.** Vacuum producing systems shall conform with the following:
  - A. No person shall operate, or allow to be operated, a vacuum-producing system at a petroleum refinery in such manner that there are any emission of VOCs from the condensers, hot wells, or accumulators of the system; and
  - B. The emission limit under Subparagraph 3.A of this Subsection shall be achieved by one of the following:
    - i. Piping the vapors to a firebox or a incinerator;
    - ii. Compressing the vapors and adding them to the refinery fuel gas; or
    - iii. Any method approved by the Department which recovers no less than 90% by weight of uncontrolled VOCs that would otherwise be emitted to the atmosphere.
4. **Process Unit Turnarounds.** Purging of VOCs during depressurization of reactors, fractionating columns, pipes, or vessels during unit shutdown, repair, inspection, or start-up shall be performed in such a manner as to direct the VOCs to a fuel gas system, flare, or vapor recovery system until the internal pressure in such equipment reaches 19.7 psia.

#### **b. Fugitive Sources.**

1. The owner or operator of a petroleum refinery shall:

- A. Develop and conduct a monitoring program consistent with the provisions of Paragraphs 4, 5, and 6 of this Subsection b.
  - B. Record leaking refinery components which have a VOC concentration exceeding 10,000 ppm when tested in accordance with the provisions of Part G of this Article, relating to emissions of VOCs, and place an identifying tag on each refinery component consistent with the provisions of Paragraph 6 of this Subsection b.
  - C. Repair and retest the leaking refinery components as soon as possible. Every reasonable effort shall be made to repair each leak within 15 days unless a refinery unit shutdown is required to make the necessary repair.
  - D. Identify leaking refinery components which cannot be repaired until the unit is shutdown for turnaround.
2. No person shall install or operate, or allow the installation or operation of, a valve at a petroleum refinery at the end of a pipe or line containing VOCs unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap, except for safety pressure relief valves and fittings on valves one inch or smaller. The sealing device may be removed only when a sample is being taken or during maintenance operations.
  3. Pipeline valves and pressure relief valves in gaseous VOC service shall be marked in some manner that will be readily obvious to both refinery personnel performing monitoring and the Department.
  4. Any person operating, or allowing the operation of, a petroleum refinery shall conduct a monitoring program consistent with the following requirements:
    - A. Check yearly, by methods established by Part G of this Article, pump seals and pipeline valves in liquid service.
    - B. Check quarterly by methods established by Part G of this Article, compressor seals, pipeline valves in gaseous service, and pressure relief valves in gaseous service.
    - C. Check monthly, by visual methods, all pump seals.
    - D. Check within 24 hours, by methods established by Part G of this Article, pump seal from which VOC liquids are observed to be dripping.
    - E. Check, by methods established by Part G of this Article, relief valve within 24 hours after it has vented to the atmosphere.
    - F. Check within 24 hours after repair, by methods established by Part G of this Article, refinery component that was found leaking.
  5. Pressure relief devices which are connected to an operating flare header, vapor recovery devices, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in Paragraph 4 of this Subsection b.
  6. Any person operating, or allowing the operation of, a petroleum refinery, upon the detection of a leaking refinery component, shall affix a weatherproof and readily visible tag, bearing an identification number and the date upon which the leak is located to the leaking refinery component. This tag shall remain in place until the leaking refinery component is repaired.
  7. Any person operating, or allowing the operation of, a petroleum refinery shall maintain a leaking refinery components monitoring log which shall contain, at a minimum, the following data:

- A. The name and process unit where the refinery component is located.
  - B. The type of refinery component, for example, valve, seal.
  - C. The tag number of refinery component.
  - D. The dates on which the leaking refinery component was discovered and repaired.
  - E. The date and instrument reading of the recheck procedure after a leaking refinery component was repaired.
  - F. A record of the calibration of the monitoring instrument.
  - G. Those leaks that cannot be repaired until turnaround.
  - H. The total number of refinery components checked and the total number of refinery components found leaking.
8. Copies of the monitoring log shall be retained by the owner or operator for two years after the date on which the record was made or the report was prepared, whichever is later.
  9. Copies of the monitoring log shall immediately be made available to the Department for inspection and copying, upon verbal or written request, at any reasonable time.
  10. The person operating, or allowing the operation of, a petroleum refinery, within 30 days following the end of each calendar year, shall:
    - A. Submit a written report to the Department for such calendar year that lists all leaking refinery components that were located during such year but not repaired within 15 days, all leaking refinery components awaiting unit turnaround as of the end of the year, the total number of refinery components inspected, and the total number of refinery components found leaking.
    - B. Submit a signed statement with the report attesting to the fact that, with the exception of those leaking refinery components listed in Subparagraph A of this Paragraph b.10, monitoring and repairs were performed as stipulated in the monitoring program.
  11. The owner or operator of a petroleum refinery may submit an alternative plan for the control of leaks from petroleum refinery equipment to the Department. If the Department finds that the alternative plan will achieve an emission reduction which is equivalent to or greater than the reduction which can be achieved under this Section and that the alternative plan is as enforceable as this Section, then the Department will allow the implementation of this alternative plan.
  12. The owner or operator of a petroleum refinery may submit to the Department a list of refinery components the inspection of which would involve a significant element of danger. The Department may exempt the refinery components on this list from the requirements of this Section if it is demonstrated to the satisfaction of the Department that a significant element of danger exists which cannot be reasonably eliminated and that these exemptions will not result in a significant reduction in the effectiveness in the control of VOC emissions.

## §2105.71 PHARMACEUTICAL PRODUCTS

- a. **Manufacture of synthesized pharmaceutical products.** This Subsection applies to synthesized pharmaceutical manufacturing sources.
1. Any person who operates, or allows the operation of, a synthesized pharmaceutical manufacturing source subject to this Subsection shall control the VOC emissions from reactors, distillation operations, crystallizers, centrifuges, and vacuum dryers that emit 15 pounds per day or more of VOCs. Surface condensers or equivalent controls shall be used and if:
    - A. Surface condensers are used, the condenser outlet gas temperature shall not exceed:
      - i. Minus 25°C when condensing VOCs of vapor pressure greater than 5.8 psi when measured at 68°F.
      - ii. Minus 15°C when condensing VOCs of vapor pressure greater than 2.9 psi when measured at 68°F.
      - iii. 0°C when condensing VOCs of vapor pressure greater than 1.5 psi when measured at 68°F.
      - iv. 10°C when condensing VOCs of vapor pressure greater than one psi when measured at 68°F.
      - v. 25°C when condensing VOCs of vapor pressure greater than 0.5 psi when measured at 68°F.
    - B. Equivalent controls are used, the VOC emissions shall be reduced by an equivalent or greater amount than would be required in Subparagraph 1.A of this Subsection.
  2. Any person who operates, or allows the operation of, a synthetic pharmaceutical manufacturing source subject to this Section shall reduce the VOC emissions from air dryers and production equipment exhaust systems:
    - A. By at least 90% if uncontrolled emissions are 220 pounds per day per day) or more of VOCs; or
    - B. To 33 pounds per day or less if uncontrolled emissions are less than 220 pounds per day of VOCs.
  3. Any person who operates, or allows the operation of, a synthesized pharmaceutical manufacturing source subject to this Section shall enclose centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface, where the liquid contains VOCs and exerts a total VOC vapor pressure of 0.5 psi or more at 20 C.
  4. Any person who operates, or allows the operation of, a synthesized pharmaceutical source subject to this Section shall install covers on in-process tanks containing a VOC at any time. These covers shall remain closed except during production, sampling, maintenance or inspection procedures that require operator access.
  5. Any person who operates, or allows the operation of, a synthesized pharmaceutical manufacturing source subject to this Section shall repair leaks from which a liquid, containing VOCs, can be observed running or dripping. The repair shall be completed the first time the equipment is off-line for a period of time long enough to complete the repair.

- b. **Pharmaceutical tablet coating.** This Subsection applies to pharmaceutical tablet coating at pharmaceutical manufacturing sources that emit greater than 50 tons of VOCs per year.
1. Any person who operates, or allows the operation of, any pharmaceutical manufacturing source subject to this Subsection shall control VOC emissions from pharmaceutical tablet coating equipment that has a potential to emit more than 33 pounds per day of VOCs. VOC emissions from such equipment shall be reduced:
    - A. By at least 90% overall on a daily basis, if uncontrolled VOC emissions are 330 pounds per day or more; or
    - B. To 33 pounds per day, or less, if uncontrolled VOC emissions are less than 330 pounds per day.
  2. Carbon adsorption or incineration shall be used to effect compliance with Paragraph 1 of this Subsection. Control equipment shall be installed, operated, and maintained consistent with the manufacturer's specifications and recommendations.
  3. Any person who operates, or allows the operation of, any affected pharmaceutical tablet coating source shall demonstrate compliance by:
    - A. Certifying in writing to the Department that the appropriate control equipment is in place and in use, including compliance with applicable installation permit and operating license requirements;
    - B. Providing the Department, upon request, with certified written analyses of all tablet coatings in place and in use. The analyses shall include determinations of VOC content and solids content and any other determinations requested by the Department. Analyses shall be provided by the owner-operator of the source, the manufacturer of the coating solution, or an independent laboratory acceptable to the Department;
    - C. Maintaining VOC purchasing, inventory, and daily consumption records such that the Department can determine compliance;
    - D. Maintaining daily operating records for all equipment connected to the VOC control equipment;
    - E. Maintaining the appropriate control equipment in a manner consistent with manufacturer's specifications and recommendations; and
    - F. Maintaining daily operating, inspection, and maintenance records for VOC control equipment in a manner approved by the Department.
  4. Any person who operates, or allows the operation of, any affected pharmaceutical tablet coating source shall maintain copies of all manufacturer's specifications and recommendations for VOC control equipment operated at the source, all records of operations, inspections, and maintenance required under Paragraphs 3 and 4 of this Subsection, and all other records that are necessary for the Department to determine compliance. These records shall be retained at the source for a period of at least two (2) years and shall be made available to the Department for inspection and copying upon request.
  5. Any person who operates, or allows the operation of, any affected pharmaceutical tablet coating source shall submit reports to the Department summarizing information on daily operations, inspections, and maintenance activities, and such other information as is required by the

Department to determine compliance, on a schedule and in a form and manner as prescribed by the Department.

## **§2105.72 MANUFACTURE OF PNEUMATIC RUBBER TIRES**

- a. This Section applies to pneumatic rubber tire manufacturing sources. For purposes of this Section, pneumatic rubber tire manufacturing means the production of pneumatic rubber passenger-type tires on a mass production basis. Passenger-type tires are agricultural, airplane, industrial, mobile home, light- or medium-duty truck, or passenger vehicle tires with bead diameters up to 20 inches and cross-sectional dimensions up to 12.8 inches. With prior written approval from the Department, the production of specialty tires for antique or other vehicles when produced on an irregular basis or with short production runs and when produced on equipment separate from normal production lines for passenger-type tires are exempt from the requirements of this Section.
- b. Any person who operates, or allows the operation of, an undertread cementing, tread-end cementing, or bead dipping operation subject to this Section shall:
  1. Install and operate a capture system designed to achieve maximum reasonable capture, of at least 85% by weight of VOCs emitted, from undertread cementing, tread-end cementing, and bead dipping operations. Maximum reasonable capture shall be consistent with the following documents:
    - A. Industrial Ventilation, A Manual of Recommended Practices, 14th Edition, American Federation of Industrial Hygienists.
    - B. Recommended Industrial Ventilation Guidelines, United States Department of Human Services National Institute of Occupational Safety and Health.
  2. Install and operate a control device that meets the requirements of one of the following:
    - A. A carbon adsorption system designed and operated in a manner so that there is at least a 95% removal of VOCs by weight from the gases ducted to the control device.
    - B. An incineration system that reduces VOCs by at least 90%.
- c. Any person who operates, or allows the operation of, a green-tire spraying operation subject to this Section shall implement one of the following means of reducing VOC emissions:
  1. Substitute water-based sprays for the normal solvent-based mold release compound.
  2. Install a capture system designed and operated in a manner that will capture and transfer at least 90% of the VOCs emitted by the green-tire spraying operation to a control device that meets the requirements in Paragraph b.2 of this Section.
- d. Notwithstanding the other provisions of this Section, the Department may allow a pneumatic rubber tire manufacturing source to implement permanent and enforceable measures including recordkeeping and reporting requirements, which are approved by the Department and the EPA as RACT.

## §2105.73 MUNICIPAL SOLID WASTE LANDFILLS

*{Adopted July 15, 1997, Effective August 15, 1997. Amended 06/27/2023, effective 07/7/2023.}*

- a. **Applicability.** The provisions of this subsection apply to each municipal solid waste landfill that commenced construction, reconstruction or modification on or before July 17, 2014 and has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subsection are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of New Source Performance Standards for Municipal Solid Waste Landfills.
- b. Each municipal solid waste landfill meeting the conditions of Subsection a shall comply with all of the applicable standards, requirements, and provisions of 40 CFR Part 62 Subpart OOO, as amended, which are herein incorporated by reference.
- c. The provisions of this section are in addition to any applicable New Source Performance Standards for Municipal Solid Waste Landfills, or any other Pennsylvania Department of Environmental Protection or Allegheny County permit requirements.
- d. Definitions of all terms used, but not defined in this subsection, have the meaning given them in 40CFR Part 62 Subpart OOO, as amended. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act, 40CFR Part 60 Subparts A and B, or this Article. For the purposes of these rules, "Administrator" shall also mean the Director of the Allegheny County Health Department or his or her designated representative.

## §2105.74 AEROSPACE MANUFACTURING AND REWORK *{effective July 10, 2003}*

- a. **Applicability.** Except as provided in Subsection b, this section applies to the manufacture or rework of commercial, civil, or military aerospace vehicles or components at any facility which has the potential to emit 25 tons per year of VOCs or more.
- b. **Exceptions.** This section does not apply to cleaning and coating of aerospace components and vehicles as follows:
  1. At any source conducting research and development for the research and development activities;
  2. For quality control and laboratory testing;
  3. For production of electronic parts and assemblies (except for cleaning and coating of completed assemblies); and
  4. For rework operations performed on antique aerospace vehicles or components.
- c. **Exemption from Limits.** Subsection d does not apply to cleaning and coating of aerospace components and vehicles in the following circumstances:
  1. The use of touchup, aerosol, and Department of Defense "classified" coatings;
  2. The coating of space vehicles; and
  3. At facilities that use separate formulations in volumes less than 50 gallons per year to a maximum exemption of 200 gallons per year of all the coatings in aggregate for these formulations.
- d. **Limits.** A person may not apply to aerospace vehicles or components, aerospace specialty coatings, primers, topcoats, and chemical milling maskants including VOC-containing materials added to the original



coating supplied by the manufacturer, that contain VOCs in excess of the limits specified in Table 2105.74.

1. Aerospace coatings that meet the definitions of the specific coatings in Table 2105.74 shall meet those allowable coating VOC limits.
2. All other aerospace primers, aerospace topcoats and chemical milling maskants are subject to the general coating VOC limits for aerospace primers, aerospace topcoats, and aerospace chemical milling maskants.

**TABLE 2105.74**  
**Allowable Content of VOCs in Aerospace Coatings**  
**Allowable VOC Content**  
**Weight of VOC Per Volume of Coating (Minus Water and Exempt Solvents)**

<u>COATING TYPE</u>	<u>LIMIT</u> <u>POUNDS</u> <u>PER</u> <u>GALLON</u>	<u>GRAMS</u> <u>PER</u> <u>LITER</u>
<i>Specialty Coatings</i>		
1. Ablative Coating	5.0	600
2. Adhesion Promoter	7.4	890
3. Adhesive Bonding Primers:		
a. Cured at 250°F or below	7.1	850
b. Cured above 250°F	8.6	1030
4. Adhesives:		
a. Commercial interior Adhesive	6.3	760
b. Cyanoacrylate Adhesive	8.5	1020
c. Fuel Tank Adhesive	5.2	620
d. Nonstructural Adhesive	3.0	360
e. Rocket Motor Bonding Adhesive	7.4	890
f. Rubber-Based Adhesive	7.1	850
g. Structural Autoclavable Adhesive	0.5	60
h. Structural Nonautoclavable Adhesive	7.1	850
5. Antichafe Coating	5.5	660
6. Chemical Agent-Resistant Coating	4.6	550
7. Clear coating	6.0	720
8. Commercial Exterior Aerodynamic Structure Primer	5.4	650
9. Compatible Substrate Primer	6.5	780
10. Corrosion Prevention Compound	5.9	710
11. Cryogenic Flexible Primer	5.4	645
12. Cryoprotective Coating	5.0	600
13. Electric or Radiation-Effect Coating	6.7	800
14. Electrostatic Discharge and Electromagnetic Interference (EMI) Coating	6.7	800

**TABLE 2105.74 (Continued)**  
**Allowable Content of VOCs in Aerospace Coatings**  
**Allowable VOC Content**

<b>Weight of VOC Per Volume of Coating (Minus Water and Exempt Solvents)</b>		
<b><u>COATING TYPE</u></b>	<b><u>LIMIT</u></b>	
	<b><u>POUNDS PER GALLON</u></b>	<b><u>GRAMS PER LITER</u></b>
<i>Specialty Coatings (continued)</i>		
15. Elevated Temperature Skydrol Resistant Commercial Primer	6.2	740
16. Epoxy Polyamide Topcoat	5.5	660
17. Fire-Resistant (Interior) Coating	6.7	800
18. Flexible Primer	5.4	640
19. Flight-Test Coatings:		
a. Missile or Single Use Aircraft	3.5	420
b. All Other	7.0	840
20. Fuel-Tank Coating	6.0	720
a. High Temperature Coating	7.1	850
21. Insulation Covering	6.2	740
22. Intermediate Release Coating	6.2	750
23. Lacquer	6.9	830
24. Maskants:		
a. Bonding Maskant	10.2	1230
b. Critical Use and Line Sealer Maskant	8.6	1020
c. Seal Coat Maskant	10.2	1230
25. Metalized Epoxy Coating	6.2	740
26. Mold Release	6.5	780
27. Optical Anti-Reflective Coating	6.2	750
28. Part Marking Coating	7.1	850
29. Pretreatment Coating	6.5	780
30. Rain Erosion-Resistant Coating	7.1	850
31. Rocket Motor Nozzle Coating	5.5	660
32. Scale Inhibitor	7.3	880
33. Screen Print Ink	7.0	840
34. Sealant:		
a. Extrudable/Rollable/Brushable Sealant	2.0	240
b. Sprayable Sealant	5.0	600
35. Self Priming Topcoat	3.5	420
36. Silicone Insulation Material	7.1	850
37. Solid Film Lubricant	7.3	880
38. Specialized Function Coating	7.4	890
39. Temporary Protective Coating	2.7	320
40. Thermal Control Coating	6.7	800
41. Wet Fastner Installation Coating	5.6	675
42. Wing Coating	7.1	850
<i><u>Aerospace Primers, Aerospace Topcoats, and Aerospace Chemical Milling Maskants</u></i>		
1. Primers	2.9	350
2. Topcoats	3.5	420
3. Chemical Milling Maskants (Type I/II)	1.3	160

- e. **Calculation.** The mass of VOC per combined volume of VOC and coating solids, less water and exempt compounds shall be calculated for each coating by the following equation:

$$\text{VOC} = \frac{(W_v - W_w - W_{ex})(D_c)}{100\% - (W_w)(D_c/D_w) - (W_{ex})(D_c/D_{ex})}$$

Where:

VOC = VOC content in grams per liter (g/l) of each coating less water and exempt solvents

$W_v$  = Weight of total volatiles, % (100%-Weight % Nonvolatiles)

$W_w$  = Weight of water, %

$W_{ex}$  = Weight of exempt solvent, %

$D_c$  = Density of coating, g/l at 25°C

$D_w$  = Density of water,  $0.997 \times 10^3$  g/l at 25°C

$D_{ex}$  = Density of exempt solvent, g/l, at 25°C

To convert from grams per liter (g/l) to pounds per gallon (lb/gal), multiply the result (VOC content) by  $8.345 \times 10^{-3}$  (lb/gal/g/l).

- f. **Application Techniques.** Except as provided in Subsection g, a person shall use one or more of the following application techniques in applying primer or topcoat to aerospace vehicles or components:
1. Flow/curtain coat;
  2. Dip coat;
  3. Roll coating;
  4. Brush coating;
  5. Cotton-tipped swab application;
  6. Electrodeposition (DIP) coating;
  7. High volume low pressure (HVLP) spraying; and
  8. Electrostatic spray.
- g. **Exemption from Application Techniques.** The following situations are exempt from application equipment requirements listed in Subsection f:
1. Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly apply coatings to limited access spaces;
  2. The application of specialty coatings;
  3. The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that the applicant has demonstrated and the Department has determined cannot be applied by any of the application methods specified in Subsection f;
  4. The application of coatings that normally have a dried film thickness of less than 0.0013 centimeter (0.0005 in.) when the applicant has demonstrated and the Department has determined cannot be applied by any of the application methods specified in Subsection f;
  5. The use of airbrush application methods for stenciling, lettering and other identification markings;
  6. The use of hand-held spray can application methods; and
  7. Touch-up and repair operations.
- h. **Cleaning Solvents.** Except as provided in Subsection i, a person may not use solvents for hand-wipe cleaning of aerospace vehicles or components unless the cleaning solvents do one of the following:

1. Meet the definition of "aqueous cleaning solvent" in §2101.20 (relating to definitions);
  2. Have a VOC composite vapor pressure less than or equal to 45 millimeters (mmHg) at 20°C; or
  3. Is composed of a mixture of VOCs and has a maximum vapor pressure of 7 millimeters (mmHg) at 20°C (3.75 inches water at 68°F) and contains no hazardous air pollutants (HAP) or ozone depleting compounds.
- i. **Exemption from Cleaning Solvents.** The following aerospace vehicle and component solvent cleaning operations are exempt from Subsection h:
1. Cleaning during the manufacture, assembly, installation, maintenance or testing of components of breathing oxygen systems that are exposed to the breathing oxygen;
  2. Cleaning during the manufacture, assembly, installation, maintenance or testing of parts, subassemblies or assemblies that are exposed to strong oxidizers or reducers (for example, nitrogen tetroxide, liquid oxygen, hydrazine);
  3. Cleaning and surface activation prior to adhesive bonding;
  4. Cleaning of electronics parts and assemblies containing electronics parts;
  5. Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid, including air-to-air heat exchangers and hydraulic fluid systems;
  6. Cleaning of fuel cells, fuel tanks and confined spaces;
  7. Surface cleaning of solar cells, coated optics and thermal control surfaces;
  8. Cleaning during fabrication, assembly, installation and maintenance of upholstery, curtains, carpet and other textile materials used in or on the interior of the aircraft;
  9. Cleaning of metallic and nonmetallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture of aerospace vehicles or components;
  10. Cleaning of aircraft transparencies, polycarbonate or glass substrates;
  11. Cleaning and solvent usage associated with research and development, quality control or laboratory testing;
  12. Cleaning operations, using nonflammable liquids, conducted within 5 feet of any alternating current (AC) or direct current (DC) electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells and tail sections; and
  13. Cleaning operations identified in an essential use waiver under section 604(d)(1) of the Clean Air Act (42 U.S.C.A. § 7671c(d)(1)) or a fire suppression or explosion prevention waiver under section 604(g)(1) of the Clean Air Act which has been reviewed and approved by the EPA and the voting parties of the International Montreal Protocol Committee.
- j. **Cleaning Solvent Collection.** Cleaning solvents, except for semiaqueous cleaning solvents, used in the flush cleaning of aerospace vehicles, components, parts, and assemblies and coating unit components, shall be emptied into an enclosed container or collection system that is kept closed when not in use or captured with wipers which comply with the housekeeping requirements of Subsection l. Aqueous cleaning solvents

are exempt from these requirements.

- k. **Spray Guns.** Spray guns used to apply aerospace coatings shall be cleaned by one of the following:
  - 1. An enclosed spray gun cleaning system that is kept closed when not in use. Leaks, including visible leakage, misting and clouding, shall be repaired within 14 days from when the leak is first discovered. Each owner or operator using an enclosed spray gun cleaner shall visually inspect the seals and all other potential sources of leaks at least once per month. The results of each inspection shall be recorded, and the record shall indicate the date of the inspection, the person who conducted the inspection and whether components were leaking. Records of the inspections shall be maintained for at least 2 years. Each inspection shall occur while the spray gun cleaner is in operation. If the leak is not repaired by the 15th day after detection, the solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued;
  - 2. Unatomized discharge of solvent into a waste container that is kept closed when not in use;
  - 3. Disassembly of the spray gun and cleaning in a vat that is kept closed when not in use; or
  - 4. Atomized spray into a waste container that is fitted with a device designed to capture atomized solvent emissions.
- l. **Housekeeping.** The owner or operator of an affected facility shall implement the following housekeeping measures for cleaning solvents:
  - 1. Fresh and used cleaning solvents, except aqueous and semiaqueous cleaning solvents, used in solvent cleaning operations shall be stored in nonabsorbent, nonleaking containers. The containers shall be kept closed at all times except when filling or emptying;
  - 2. Cloth and paper, or other absorbent applicators, moistened with cleaning solvents, except aqueous cleaning solvents, shall be stored in closed, nonabsorbent, nonleaking containers. Cotton-tipped swabs used for very small cleaning operations are exempt; and
  - 3. Handling and transfer procedures shall minimize spills during filling and transferring the cleaning solvent, except aqueous cleaning solvents, to or from enclosed systems, vats, waste containers and other cleaning operation equipment that holds or stores fresh or used cleaning solvents.
- m. **Approved Equipment.** The owner or operator of an affected facility may comply with this section by using approved air pollution control equipment provided that the following exist:
  - 1. The control system has a combined VOC emissions capture and control equipment efficiency of at least 81% by weight and is operated and maintained in accordance with good air pollution control practices that minimize VOC emissions;
  - 2. The owner or operator received approval from the Department of a monitoring plan that specifies the applicable operating parameter value, or range of values, to ensure ongoing compliance with this section. The monitoring device shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications, and the Department's approval; and
  - 3. The owner or operator shall record monitoring parameters as specified in the approved monitoring plan.

- n. **Records.** The owner or operator of an affected facility shall maintain records in accordance with §2105.01-2105.10, including:
1. A current list of coatings in use categorized in accordance with Table 2105.74 showing VOC content as applied and usage on an annual basis;
  2. A current list of cleaning solvents used and annual usage for hand wiping solvents including the water content of aqueous and semiaqueous solvents and the vapor pressure and composite vapor pressure of all vapor pressure compliant solvents and solvent blends; and
  3. A current list and annual usage information for exempt hand-wipe cleaning solvents with a vapor pressure greater than 45 millimeters of mercury (mmHg) used in exempt hand-wipe cleaning operations.

### **§2105.75 MOBILE EQUIPMENT REPAIR AND REFINISHING** *{effective July 10, 2003}*

- a. **Applicability.** Except as provided in Subsection b, this section applies to a person who applies mobile equipment repair and refinishing or color-matched coatings to mobile equipment or mobile equipment components.
- b. **Exception.** This section does not apply to a person who applies surface coatings to mobile equipment or mobile equipment components under one of the following circumstances:
1. The surface coating process is subject to the miscellaneous metal parts finishing requirements of §2105.10 (Surface Coating Processes);
  2. The surface coating process is at an automobile assembly plant; or
  3. The person applying the coatings does not receive compensation for the application of the coatings.
- c. **Limits.** A person may not apply to mobile equipment or mobile equipment components any automotive pretreatment, automotive primer-surfacer, automotive primer-sealer, automotive topcoat, and automotive specialty coatings, including any VOC-containing materials added to the original coating supplied by the manufacturer, that contain VOCs in excess of the limits specified in Table 2105.75.

**Table 2105.75**  
**Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings**  
**Allowable VOC Content (as applied)**

**Weight of VOC per Volume of Coating (minus water and non-VOC solvents)**

<u>COATING TYPE</u>	<u>LIMIT</u>	
	<u>POUNDS</u> <u>PER</u> <u>GALLON</u>	<u>GRAMS</u> <u>PER</u> <u>LITER</u>
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat		
Single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4 stage basecoat/clearcoat	5.2	625
Automotive multicolored topcoat	5.7	680
Automotive specialty	7.0	840

d. **Calculation.** A person who provides mobile equipment repair and refinishing coatings subject to this section shall provide documentation concerning the VOC content of the coatings calculated in accordance with the following:

1. The mass of VOC per combined volume of VOC and coating solids, less water and exempt compounds, shall be calculated by the following equation:

$$\text{VOC} = \frac{(W_v - W_w - W_{ec})}{(V - V_w - V_{ec})}$$

where:

VOC = VOC content in grams per liter (g/l) of coating less water and non-VOC solvents

$W_v$  = Mass of total volatiles, in grams

$W_w$  = Mass of water, in grams

$W_{ec}$  = Mass of exempt compounds, in grams

$V$  = Volume of coating, in liters

$V_w$  = Volume of water, in liters

$V_{ec}$  = Volume of exempt compounds, in liters

To convert from grams per liter to pounds per gallon (lb/gal), multiply the result (VOC content) by  $8.345 \times 10^{-3}$  (lb/gal/g/l).

2. The VOC content of a multistage topcoat shall be calculated by the following equation:

$$\text{VOC}_{\text{multi}} = \frac{\text{VOC}_{\text{bc}} + \sum_{i=0}^M \text{VOC}_{\text{mci}} + 2(\text{VOC}_{\text{cc}})}{M + 3}$$

where:

$\text{VOC}_{\text{multi}}$  = VOC content of multistage topcoat, g/l

$\text{VOC}_{\text{bc}}$  = VOC content of basecoat, g/l

$\text{VOC}_{\text{mci}}$  = VOC content of the midcoat(s), g/l

$\text{VOC}_{\text{cc}}$  = VOC content of the clear coat, g/l

M = number of midcoats

To convert from grams per liter to pounds per gallon (lb/gal), multiply the result (VOC content) by  $8.345 \times 10^{-3}$  (lb/gal/g/l).

- e. **Application Techniques.** A person at a facility subject to this section shall use one or more of the following application techniques to apply any finish material listed in Table 2105.75:
1. Flow/curtain coating;
  2. Dip coating;
  3. Roller coating;
  4. Brush coating;
  5. Cotton-tipped swab application;
  6. Electrodeposition coating;
  7. High volume low pressure (HVLP) spraying;
  8. Electrostatic spray;
  9. Airless spray; and
  10. Other coating application method that the person demonstrates and the Department determines achieves emission reductions equivalent to HVLP or electrostatic spray application methods.
- f. **Exemption from Application Techniques.** The following situations are exempt from the application equipment requirements in Subsection e:
1. The use of airbrush application methods for stenciling, lettering and other identification markings;
  2. The application of coatings sold in nonrefillable aerosol containers; and
  3. Automotive touch-up repair.
- g. **Spray Guns.** Spray guns used to apply mobile equipment repair and refinishing coatings shall be cleaned by one of the following:
1. An enclosed spray gun cleaning system that is kept closed when not in use;
  2. Unatomized discharge of solvent into a paint waste container that is kept closed when not in use;
  3. Disassembly of the spray gun and cleaning in a vat that is kept closed when not in use; and
  4. Atomized spray into a paint waste container that is fitted with a device designed to capture atomized solvent emissions.
- h. **Housekeeping.** The owner and operator of a facility subject to this section shall implement the following housekeeping and pollution prevention and training measures:
1. Fresh and used coatings, solvent and cleaning solvents shall be stored in nonabsorbent, non-leaking containers. The containers shall be kept closed at all times except when filling or



- emptying;
- 2. Cloth and paper, or other absorbent applicators, moistened with coatings, solvents or cleaning solvents, shall be stored in closed, nonabsorbent, nonleaking containers;
- 3. Handling and transfer procedures shall minimize spills during the transfer of coatings, solvents and cleaning solvents through the use of devices including pumps or spouts on larger containers; and
- 4. Ensure that a person who applies mobile equipment repair and refinishing coatings has completed training in the proper use and handling of the mobile equipment repair and refinishing coatings, solvents and waste products to minimize the emission of air contaminants and to comply with this section.

**§2105.76 WOOD FURNITURE MANUFACTURING OPERATIONS** *{Effective July 10, 2003. Subsections d & g amended October 26, 2022, effective November 5, 2022.}*

- a. **General Provisions and Applicability.** This section applies to each wood furniture manufacturing facility located in the county that emits or has the potential to emit 25 tons or more per year of VOCs from wood furniture manufacturing operations.
  - 1. The owner or operator of an existing wood furniture manufacturing facility subject to this section must comply with this section by the effective date.
  - 2. An existing wood furniture manufacturing facility that increases its actual emissions or potential to emit to 25 tons per year or more of VOCs from wood furniture manufacturing operations shall comply with this section within 1 year after becoming subject to this section.
  - 3. At a minimum, a new source installed at an existing facility that is subject to the requirements of this section shall comply with the emission standards of Subsection b upon installation of the new source.
  - 4. Except for Paragraph c.7 of this section, the owner or operator of a wood furniture manufacturing facility subject to this section and §2105.10 must comply with the more stringent emissions limitation or applicable requirement for wood furniture manufacturing operations in this section or §2105.10.
  - 5. The VOC standards in Table 2105.76 do not apply to a coating used exclusively for determining product quality and commercial acceptance, touch-up and repair, and other small quantity coatings if the coating meets the following criteria:
    - A. The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.
    - B. The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.
- b. **Emission Standards.** An owner or operator of a facility subject to this section shall limit VOC emissions from wood furniture manufacturing operations by:
  - 1. Applying either waterborne topcoats or a combination of sealers and topcoats and strippable spray booth coatings with a VOC content equal to or less than the standards specified in Table 2105.76:

**Table 2105.76**  
**Emission Limits of VOC for Wood Furniture Manufacturing Sealers, Topcoats**  
**and Strippable Spray Booth Coatings As Applied, in Pounds of VOC Per**  
**Pound of Coating Solids (kg VOC/kg of Coating Solids), by Category**

1) Waterborne Topcoats	0.8
2) High solids coating systems	
Sealer	1.9
Topcoat	1.8
3) Acid-cured alkyd amino systems	
i. Acid-cured alkyd amino sealer	2.3
Acid-cured alkyd amino conversion varnish topcoat	2.0
ii. Other sealer	1.9
Acid-cured alkyd amino conversion varnish topcoat	2.0
iii. Acid-cured alkyd amino sealer	2.3
Other topcoat	1.8
4) Waterborne strippable spray booth coating	0.8

2. Using an emissions averaging program which meets the requirements in Subsection g (relating to special provisions for facilities using an emissions averaging approach).
3. Using a control system that will achieve a reduction in emissions equivalent to 0.8 lb VOC/lb solids for topcoats or 1.8 lbs VOC/lb solids for topcoats and 1.9 lbs VOC/lb solids for sealers.
4. Using a combination of the methods specified in Paragraphs b.1-3 above.

**c. Work practice standards.**

1. Work practice implementation plan. Within 60 days after the compliance date specified in Subsection a, an owner or operator of a facility subject to the requirements in this section must:
  - A. Prepare and maintain a written work practice implementation plan that defines work practices for each wood furniture manufacturing operation and addresses the provisions in Paragraphs c.2-10 below. The owner or operator of the facility shall comply with the work practice implementation plan.
  - B. Make available the written work practice implementation plan for inspection by the Department upon request. If the Department determines that the work practice implementation plan does not adequately address the criteria specified in Paragraphs c.2-10 below, the Department may require that the facility owner or operator modify the plan.
2. Operator training program. New and existing personnel, including contract personnel, who are involved in coating, cleaning or washoff operations, or implementation of the requirements of this section must complete an operator training program.
  - A. New personnel must be trained upon hiring.
  - B. Existing personnel must be trained at least 6 months before the compliance date specified in Subsection a.
  - C. Personnel shall be given refresher training annually.
  - D. A copy of the written operator training program shall be maintained with the work practice implementation plan. The operator training program shall include the following:

- i. A list of all current personnel by name and job description that are required to be trained.
  - ii. An outline of the subjects to be covered in the initial and annual refresher training sessions for each position or group of personnel.
  - iii. Lesson plans for courses to be given at the initial and annual refresher training sessions that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize coating usage and overspray and appropriate management of cleanup wastes.
  - iv. A description of the methods to be used at the completion of the initial or annual refresher training sessions to demonstrate and document successful completion.
  - v. A record of the date each employee is trained.
- 3. Leak inspection and maintenance plan. An owner or operator of a facility shall prepare and maintain with the work practice implementation plan a written leak inspection and maintenance plan which shall include the following:
  - A. A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings or solvents.
  - B. An inspection schedule.
  - C. The methods for documenting the date and results of each inspection and any repairs that were made.
  - D. The time frame between identifying a leak and making the repair, which shall adhere to the following schedule:
    - i. A first attempt at repairs, including tightening of packing glands, shall be made within 5 working days after the leak is detected.
    - ii. Final repairs shall be made within 15 working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within 3 months.
- 4. Cleaning and washoff solvent accounting system. A solvent accounting form shall be developed to account for solvents used in cleaning and washoff operations. The information recorded on the form shall include the following:
  - A. The total number of pieces processed through washoff operations each month and the reason for the washoff operations.
  - B. The name and total quantity of each solvent used each month for:
    - i. Cleaning activities.
    - ii. Washoff operations.
  - C. The name and total quantity of each solvent evaporated to the atmosphere each month from:
    - i. Cleaning activities.
    - ii. Washoff operations.

5. Spray booth cleaning. An owner or operator of a facility may not use compounds containing more than 8.0% by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the facility shall use no more than 1.0 gallon of solvent to prepare the booth prior to applying the booth coating.
6. Storage requirements. An owner or operator of a facility shall use normally closed containers for storing coating, cleaning and washoff materials.
7. Application equipment requirements. An owner or operator of a facility may not use conventional air spray guns to apply coatings except under any of the following circumstances:
  - A. To apply coatings that have a VOC content no greater than 1.0 lb VOC/lb solids (1.0 kg VOC/kg solids), as applied.
  - B. For touch-up and repair coatings under one of the following circumstances:
    - i. The coatings are applied after completion of the wood furniture manufacturing operation.
    - ii. The coatings are applied after the stain and before any other type of coating is applied, and the coatings are applied from a container that has a volume of no more than 2.0 gallons.
  - C. The spray is automated, that is, the spray gun is aimed and triggered automatically, not manually.
  - D. The emissions from the surface coating process are directed to a VOC control system.
  - E. The conventional air spray gun is used to apply coatings and the cumulative total usage of those coatings is no more than 5.0% of the total gallons of coating used during each semiannual reporting period.
  - F. The conventional air spray gun is used to apply stain on a part for which the Department notifies the operator, in writing, of its determination that it is technically or economically infeasible to use any other spray application technology. To support the facility's claim of technical or economic infeasibility, a video tape, a technical report, or other documentation shall be submitted to the Department showing either independently or in combination, the following:
    - i. The production speed is too high or the part shape is too complex for one operator to coat the part, and the application station is not large enough to accommodate an additional operator.
    - ii. The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.
8. Line cleaning. The solvent used for line cleaning shall be pumped or drained into a normally closed container.
9. Spray gun cleaning. The solvent used to clean spray guns shall be collected into a normally closed container.
10. Washoff operations. The emissions from washoff operations shall be controlled by the following:

- A. Using normally closed containers for washoff operations.
- B. Minimizing dripping by tilting or rotating the part to drain as much solvent as possible.

d. **Compliance procedures and monitoring requirements.**

- 1. Compliance methods. An owner or operator of a facility subject to the emission standards in Subsection b shall demonstrate compliance with those provisions by using one or more of the following methods:

- A. To support that each sealer, topcoat and strippable spray booth coating meets the requirements of Paragraph b.1 of this section:
  - i. Maintain CPDSs for each of the coatings.
  - ii. Maintain documentation showing the VOC content of the as applied coating in lbs VOC/lb solids, if solvent or other VOC is added to the coating before application.
  - iii. Perform sampling and testing in accordance with the procedures and test methods established by Part G.

- B. To comply through the use of a control system as described in Paragraph b.3:

- i. Calculate the required overall control efficiency needed to demonstrate compliance using the following equation:

$$O = (1 - E/C) \times 100$$

Where:

C = the VOC content of the as applied coating, lbs VOC/lb solids

E = the Table 2105.76 emission limit which shall be achieved by the affected emission point(s), lbs VOC/lb solids

O = the overall control efficiency of the control system, expressed as a percentage

- ii. Document that the value of C in the equation in Subparagraph d.1.B.i above is obtained from the VOC and solids content of the as applied coating.
- iii. Determine the overall control efficiency of the control system using the procedures and test methods established by Part G and demonstrate that the value of O calculated by the following equation is equal to or greater than the value of O calculated by the equation Subparagraph d.1.B.i above:

$$O = (F \times N) (100)$$

Where:

F = the control device efficiency, expressed as a fraction

N = the capture device efficiency, expressed as a fraction

2. Initial compliance.
- A. Compliant coatings. An owner or operator of a facility subject to Paragraph b.1 that is complying through the procedures in Subparagraph d.1.A shall submit an initial compliance status report as required by Paragraph f.1 (relating to reporting requirements), stating that compliant sealers, top coats, and strippable spray booth coatings are being used by the facility.
  - B. Continuous coaters. An owner or operator of a facility subject to Paragraph b.1 that is complying through the procedures in Subparagraph d.1.A and is applying sealers, topcoats, or both, using continuous coaters shall demonstrate initial compliance by either:
    - i. Submitting an initial compliance status report as required by Paragraph f.1 stating that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir and as calculated from records, are being used.
    - ii. Submitting an initial compliance status report as required by Paragraph f.1 stating that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir, are being used and the viscosity of the coating in the reservoir is being monitored. The facility shall also provide data that demonstrates the correlation between the viscosity and the VOC content of the coating in the reservoir.
  - C. Control systems. An owner or operator of a facility using a control system to comply with this section shall demonstrate initial compliance by submitting a report to the Department that:
    - i. Identifies the operating parameter value to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance.
    - ii. Includes the results of the initial performance testing using the procedures and test methods established by Part G.
    - iii. Includes calculations of the overall control efficiency (O) using the equation in Subparagraph d.1.B.iii.
    - iv. Defines those operating conditions of the control system critical to determining compliance and establishes operating parameter values that will ensure compliance with the standard:
      - (a) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter value.
      - (b) For compliance with another control system, the operating parameter value shall be established using the procedures identified in Subparagraph d.3.C.iv.
    - v. An owner or operator of a facility complying with this subparagraph shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, using the procedures established by Part G.
  - D. Work practice implementation plan. An owner or operator of a facility subject to the work practice standards of Subsection c shall submit an initial compliance status report as

required by Paragraph f.1, stating that the work practice implementation plan has been developed and procedures have been established for implementing the provisions of the plan.

3. Continuous compliance demonstrations. An owner or operator of a facility subject to the requirements of this section shall submit, in writing, to the Department a compliance certification with the semiannual report required by Paragraph f.2.
  - A. Compliant coatings. An owner or operator of a facility subject to Subsection b that is complying through the procedures specified in Subparagraph d.1.A shall demonstrate continuous compliance by the following:
    - i. Using compliant coatings.
    - ii. Maintaining records that demonstrate the coatings are compliant.
    - iii. Submitting a compliance certification which states that compliant sealers, topcoats, or both, and strippable spray booth coatings have been used each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.
  - B. Continuous coaters. An owner or operator of a facility subject to Subsection b that is complying through the procedures specified in Subparagraph d.1.A and is applying sealers, topcoats, or both, using continuous coaters shall demonstrate continuous compliance by either:
    - i. Using compliant coatings as determined by the VOC content of the coating in the reservoir and as calculated from records, and submitting a compliance certification which states that compliant sealers, topcoats, or both, have been used each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.
    - ii. Using compliant coatings, as determined by the VOC content of the coating in the reservoir, maintaining a viscosity of the coating in the reservoir that is no less than the viscosity of the initial coating by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial coating and retesting the viscosity of the coating in the reservoir each time solvent is added, maintaining records of solvent additions and submitting a compliance certification which states that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir, have been used each day in the semiannual reporting period. Additionally, the certification shall state that the viscosity of the coating in the reservoir has not been less than the viscosity of the initial coating, that is, the coating that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.
  - C. Control systems. An owner or operator of a facility subject to Subsection b that is complying through the use of a control system shall demonstrate continuous compliance by the following:
    - i. Installing, calibrating, maintaining and operating monitoring equipment approved, in writing, by the Department.
    - ii. Using a device to monitor the site-specific operating parameter value established in accordance with Subparagraph d.2.C.i.

- iii. When a thermal incinerator is used, a temperature monitoring device equipped with a continuous recorder is required and shall be installed in the firebox or in the ductwork immediately downstream of the firebox at a location before any substantial heat exchange occurs.
  - iv. An owner or operator using a control system not listed in this section shall submit, in writing, to the Department a description of the system, test data verifying the performance of the system, the appropriate operating parameter values that will be monitored and the monitoring device that will be used to demonstrate continuous compliance with the standard and receive, in writing, the Department's approval prior to use.
  - v. An owner or operator of a facility may not operate the control system at a daily average value greater than or less than (as appropriate) the operating parameter value. The daily average value shall be calculated as the average of all values for a monitored parameter recorded during the operating day.
  - vi. Submitting a compliance certification which states that the control system has not been operated at a daily average value greater than or less than (as appropriate) the operating parameter value for each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.
- D. Work practice implementation plan. An owner or operator of a facility subject to the work practice standards of Subsection c shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification which states that the work practice implementation plan is being followed, or should otherwise identify the periods of noncompliance with the work practice standards and the reasons for noncompliance.
4. Compliance certification requirements. The compliance certification shall be signed by a responsible official of the company that owns or operates the facility. In addition to the certification requirements of this section, the certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate and complete.

**e. Recordkeeping requirements.**

- 1. Requirement. The owner or operator of a wood furniture manufacturing operation shall keep records to demonstrate compliance with this section. The records shall be maintained for at least 5 years.
- 2. Compliant coatings. The following records shall be maintained to demonstrate compliance with Subsection b (relating to emission standards).
  - A. A certified product data sheet for each coating and strippable spray booth coating subject to the emission limits of Subsection b.
  - B. The VOC content as applied, lbs VOC/lb solids (kg VOC/kg solids), of each coating and strippable spray booth coating subject to the emission limits of Subsection b, and copies of data sheets documenting how the as applied values were determined.
- 3. Continuous coaters. The owner or operator of a facility subject to the emission limits of Subsection b that is complying through the procedures specified in Subparagraph d.1.A and is applying sealers, topcoats, or both, using continuous coaters shall maintain the records required by Paragraphs e.1 and e.2 and records of the following:



- A. Solvent and coating additions to the continuous coater reservoir.
  - B. Viscosity measurements.
- 4. Control systems. The owner or operator of a facility complying through the procedures in Subparagraph d.1.B by using a control system shall maintain the following records:
  - A. Copies of the calculations to support the equivalency of using a control system, as well as the data that are necessary to support the calculation of C and E in Subparagraph d.1.B.i and O in Subparagraph d.1.B.iii.
  - B. Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day.
- 5. Work practice implementation plan. The owner or operator of a facility subject to the work practice standards of Subsection c shall maintain onsite copies of the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including:
  - A. Records demonstrating that the operator training program is in place.
  - B. Records maintained in accordance with the leak inspection and maintenance plan.
  - C. Records associated with the cleaning and washoff solvent accounting system.
  - D. Records associated with the limitation on the use of conventional air spray guns showing total coating usage and the percentage of coatings applied with conventional air spray guns for each semiannual reporting period.
  - E. Records showing the VOC content of compounds used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures or metal filters.
  - F. Copies of logs and other documentation developed to demonstrate that the other provisions of the work practice implementation plan are followed.
- 6. In addition to the recordkeeping requirements of Paragraph e.1, the owner or operator of a facility that complies with Subsection c or Subparagraph d.1.A shall maintain a copy of the compliance certifications submitted in accordance with Paragraph f.2 for each semiannual period following the compliance date.
- 7. The owner or operator of a facility shall maintain a copy of the other information submitted with the initial status report required by Paragraph f.1 and the semiannual reports required by Paragraph f.2.
- f. **Reporting requirements.**
  - 1. Initial compliance report date. The initial compliance report must be submitted to the Department within 60 days after the compliance date specified in Subsection a. The report shall include the items required by Paragraph d.2.
  - 2. Semiannual compliance report dates. When demonstrating compliance in accordance with

Subparagraphs d.1.A or d.1.B, a semiannual report covering the previous 6 months of wood furniture manufacturing operations shall be submitted to the Department according to the following schedule:

- A. The first report shall be submitted within 30 calendar days after the end of the first 6-month period following the compliance date specified in Subsection a.
- B. Subsequent reports shall be submitted within 30 calendar days after the end of each 6-month period following the first report.
- C. Each semiannual report shall include the information required by Paragraphs d.3 and d.4, a statement of whether the facility was in compliance or noncompliance and, if the facility was in noncompliance, the measures taken to bring the facility into compliance.

**g. Special provisions for facilities using an emissions averaging approach.**

- 1. Emissions averaging approach. An owner or operator of a facility subject to the emission limitations in Subsection b may use an emissions averaging approach which meets the equivalency requirements in §2105.01 (relating to equivalent compliance techniques) to achieve compliance with §2105.10 (relating to surface coating processes) or this section.
- 2. Additional requirement. When complying with the requirements of §2105.10 or this section through emissions averaging, an additional 10% reduction in emissions shall be achieved when compared to a facility using a compliant coatings approach to meet the requirements of this section.
- 3. Program goals and rationale. When using an emissions averaging program, the following shall be submitted to the Department in writing:
  - A. A summary of the reasons why the facility would like to comply with the emission limitations through an equivalency determination using emissions averaging procedures.
  - B. A summary of how averaging can be used to meet the emission limitations.
- 4. Program scope. A description of the types of coatings that will be included in the facility's emissions averaging program shall also be submitted to the Department in writing:
  - A. Stains, basecoats, washcoats, sealers and topcoats may all be used in the emissions averaging program.
  - B. The owner or operator of the facility may choose other coatings for its emissions averaging program, if the program meets the equivalency requirements in §2105.01.
  - C. Coatings that are applied using continuous coaters may only be used in an emissions averaging program if the owner or operator of the facility can determine the amount of coating used each day.
  - D. A daily averaging period shall be used, except under the following conditions:
    - i. A longer averaging period may be used if the owner or operator of the facility demonstrates in writing to the satisfaction of the Department that the emissions do not fluctuate significantly on a day-to-day basis.
    - ii. The owner or operator of the facility requests in writing and the Department approves in writing the longer averaging period.

5. Program baseline. The baseline for each coating included in the emissions averaging program shall be the lower of the actual or allowable emission rate as of the effective date. The facility baseline emission rate may not be higher than what was presumed in the 1990 emissions inventory for the facility unless the Department has accounted for the increase in emissions as growth.
6. Quantification procedures. The emissions averaging program shall specify methods and procedures for quantifying emissions. Quantification procedures for VOC content are established by Part G (relating to sampling and testing). The quantification procedures shall also include methods to determine the usage of each coating and shall be accurate enough to ensure that the facility's actual emissions are less than the allowable emissions.
7. Monitoring, recordkeeping and reporting. A written summary of the monitoring, recordkeeping, and reporting procedures that will be used to demonstrate compliance on a daily basis, when using an emissions averaging approach, shall be submitted to the Department.
  - A. The monitoring, recordkeeping, and reporting procedures shall be structured so that inspectors and facility owners or operators can determine a facility's compliance status for any day.
  - B. The monitoring, recordkeeping, and reporting procedures shall include methods for determining required data when monitoring, recordkeeping, and reporting violations result in missing, inadequate, or erroneous monitoring and recordkeeping.

---

## **§2105.77 CONTROL OF VOC EMISSIONS FROM LARGE APPLIANCE AND METAL FURNITURE SURFACE COATING PROCESSES** *{Added May 14, 2010, effective May 24, 2010.*

*Subsection b amended October 26, 2022, effective November 5, 2022. }*

- a. **Applicability.** Beginning January 1, 2011, this section applies to the owner or operator of a large appliance or metal furniture surface coating process, where the total actual VOC emissions from all large appliance or metal furniture surface coating operations, including related cleaning activities, at that facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period. The limits from §2105.10 and Table §2105.10 no longer apply to the large appliance and metal furniture surface coating process as of January 1, 2011.
- b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a large appliance or metal furniture surface coating process unless one of the following limitations is met:
  1. The VOC content of each as applied coating is equal to or less than the standard specified in Table 2105.77.
    - A. The VOC content of the as applied coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated as follows:

$$\text{VOC} = (\text{W}_o)(\text{D}_c)/\text{V}_n$$

Where:

- VOC = VOC content in lb VOC/gal of coating solids
- $\text{W}_o$  = Weight percent of VOC ( $\text{W}_v - \text{W}_w - \text{W}_{ex}$ )
- $\text{W}_v$  = Weight percent of total volatiles (100%-weight percent solids)
- $\text{W}_w$  = Weight percent of water
- $\text{W}_{ex}$  = Weight percent of exempt solvent(s)
- $\text{D}_c$  = Density of coating, lb/gal, at 25°C

$V_n$  = Volume percent of solids of the as applied coating

- B. The VOC content of a dip coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated on a 30-day rolling average basis using the following equation:

$$VOC_A = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_J (W_{oj} \times D_{dj} \times Q_J)}{\sum_i (V_{ni} \times Q_i)}$$

Where:

$VOC_A$  = VOC content in lb VOC/gal of coating solids for a dip coating, calculated on a 30-day rolling average basis

$W_{oi}$  = Percent VOC by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction (that is 55% = 0.55)

$D_{ci}$  = Density of each as supplied coating (i) added to the dip coating process, in pounds per gallon

$Q_i$  = Quantity of each as supplied coating (i) added to the dip coating process, in gallons

$V_{ni}$  = Percent solids by volume of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction

$W_{oj}$  = Percent VOC by weight of each thinner (J) added to the dip coating process, expressed as a decimal fraction

$D_{dj}$  = Density of each thinner (J) added to the dip coating process, in pounds per gallon

$Q_J$  = Quantity of each thinner (J) added to the dip coating process, in gallons

- C. The VOC content limits of subparagraphs A and B may be met by averaging the VOC content of materials used on a single surface coating process line each day (i.e., daily within-coating unit averaging).
- D. Sampling and testing shall be done in accordance with the procedures and test methods established by Part G (Methods).
2. The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method which is acceptable under §2105.01 (Equivalent Compliance Techniques). The overall efficiency of a control system, as determined by the test methods and procedures established by Part G, shall be no less than 90% as calculated by the following equation:

$$90\% = (1 - E/V) \times 100$$

Where:

V = The VOC content of the as applied coating, in lb VOC/gal of coating solids

E = The Table 2105.77 limit for large appliances and metal furniture surface coatings in lbs VOC per gallon of coating solids

3. A combination of the methods listed in paragraphs 1 and 2.
- c. **Records.** A facility, regardless of the facility's annual emission rate, which contains large appliance or metal furniture surface coating processes, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:
1. The following parameters for each coating, thinner and other component as supplied:
- A. The coating, thinner or component name and identification number;

- B. The volume used;
- C. The mix ratio;
- D. The density or specific gravity;
- E. The weight percent of total volatiles, water, solids and exempt solvents;
- F. The volume percent of solids, Table 2105.77 for large appliances or metal furniture, for each coating used in the surface coating process.

- 2. The VOC content of each coating, thinner and other component as supplied.
- 3. The VOC content of each as applied coating.

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No large appliance or metal furniture surface coating process which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Application Techniques.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of large appliance or metal furniture surface coatings unless the coatings are applied using one or more of the following coating application methods:
  - 1. Electrostatic spraying;
  - 2. Roller coating;
  - 3. Flow coating;
  - 4. Dip coating, including electrodeposition;
  - 5. High volume-low pressure (HVLP) spraying;
  - 6. Brush coating;
  - 7. Other coating application method that the person demonstrates and the Department determines achieves emission reductions equivalent to HVLP or electrostatic spray application methods.
- f. **Emission Limitations.** If more than one emission limitation in Table 2105.77 for large appliances or metal furniture applies to a specific coating, the least stringent emission limitation applies.
- g. **Exempt Other.** The VOC coating content standards in Table 2105.77 for large appliances or metal furniture do not apply to a coating used exclusively for stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating coatings, thermal-conducting coatings, touch-up and repair coatings, coating applications using hand-held aerosol cans, coatings used exclusively for determining product quality and commercial acceptance, and other small quantity coatings if the coating meets the following criteria:
  - 1. The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.
  - 2. The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.
- h. **Housekeeping.** The following work practices for coating-related activities and cleaning materials apply to the owner or operator of a large appliance or metal furniture surface coating process:
  - 1. Store all VOC-containing coatings, thinners, coating-related waste materials, cleaning materials and used shop towels in closed containers.

2. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating-related waste materials and cleaning materials are kept closed at all times except when depositing or removing these materials.
3. Minimize spills of VOC-containing coatings, thinners, coating-related waste materials and cleaning materials, cleaning up spills immediately.
4. Convey VOC-containing coatings, thinners, coating-related waste materials and cleaning materials from one location to another in closed containers or pipes.
5. Minimize VOC emissions from cleaning of storage, mixing and conveying equipment.

**Table 2105.77**  
**Emission Limits of VOCs for Large Appliance and**  
**Metal Furniture Surface Coatings**

<u>Weight of VOC per Volume of Coating Solids</u>					
<u>Surface Coating Process Category</u>		<u>Baked</u>		<u>Air Dried</u>	
		<u>kg/l</u>	<u>lb/gal</u>	<u>kg/l</u>	<u>lb/gal</u>
1.	Large Appliance coating				
	(a) general, one component	0.40	3.3	0.40	3.3
	(b) general, multi-component	0.40	3.3	0.55	4.5
	(c) extreme high gloss	0.55	4.62	0.55	4.5
	(d) extreme performance	0.55	4.62	0.55	4.62
	(e) heat resistant	0.55	4.62	0.55	4.62
	(f) metallic	0.55	4.62	0.55	4.62
	(g) pretreatment coatings	0.55	4.62	0.55	4.62
	(h) solar absorbent	0.55	4.62	0.55	4.62
2.	Metal Furniture coating				
	(a) general, one component	0.40	3.3	0.40	3.3
	(b) general, multi-component	0.40	3.3	0.55	4.5
	(c) extreme high gloss	0.61	5.06	0.55	4.5
	(d) extreme performance	0.61	5.06	0.61	5.06
	(e) heat resistant	0.61	5.06	0.61	5.06
	(f) metallic	0.61	5.06	0.61	5.06
	(g) pretreatment coatings	0.61	5.06	0.61	5.06
	(h) solar absorbent	0.61	5.06	0.61	5.06

## §2105.78 CONTROL OF VOC EMISSIONS FROM FLAT WOOD PANELING

### COATING PROCESSES *{Added May 14, 2010, effective May 24, 2010. Subsection b amended October 26, 2022, effective November 5, 2022.}*

- a. Applicability. Beginning January 1, 2011, this section applies to the owner or operator of a flat wood paneling coating process, where the total actual VOC emissions from all flat wood panel surface coating operations, including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period.
- b. Limitations. A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a flat wood paneling coating process, unless one of the following limitations is met:
  1. The VOC content of each as applied coating is equal to or less than 2.9 lbs VOC per gallon of coating solids (0.35 kg VOC per liter of coating solids).
    - A. The VOC content of each as applied coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated as follows:

$$\text{VOC} = (\text{W}_o)(\text{D}_c)/\text{V}_n$$

Where:

VOC = VOC content in lb VOC/gal of coating solids  
W<sub>o</sub> = Weight percent of VOC (W<sub>v</sub>-W<sub>w</sub>-W<sub>ex</sub>)  
W<sub>v</sub> = Weight percent of total volatiles (100%-weight percent solids)  
W<sub>w</sub> = Weight percent of water  
W<sub>ex</sub> = Weight percent of exempt solvent(s)  
D<sub>c</sub> = Density of coating, lb/gal, at 25°C  
V<sub>n</sub> = Volume percent of solids of the as applied coating

- B. The VOC content of a dip coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated on a 30-day rolling average basis using the following equation:

$$\text{VOC}_A = \frac{\sum_i (\text{W}_{oi} \times \text{D}_{ci} \times \text{Q}_i) + \sum_j (\text{W}_{oj} \times \text{D}_{dj} \times \text{Q}_j)}{\sum_i (\text{V}_{ni} \times \text{Q}_i)}$$

Where:

VOC<sub>A</sub> = VOC content in lb VOC/gal of coating solids for a dip coating, calculated on a 30-day rolling average basis  
W<sub>oi</sub> = Percent VOC by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction (that is 55% = 0.55)  
D<sub>ci</sub> = Density of each as supplied coating (i) added to the dip coating process, in pounds per gallon  
Q<sub>i</sub> = Quantity of each as supplied coating (i) added to the dip coating process, in gallons  
V<sub>ni</sub> = Percent solids by volume of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction  
W<sub>oj</sub> = Percent VOC by weight of each thinner (J) added to the dip coating process, expressed as a decimal fraction  
D<sub>dj</sub> = Density of each thinner (J) added to the dip coating process, in pounds per gallon  
Q<sub>j</sub> = Quantity of each thinner (J) added to the dip coating process, in gallons

- C. The VOC content limits of subparagraphs A and B may be met by averaging the VOC content of materials used on a single surface coating process line each day (i.e., daily within-coating unit averaging).
  - D. Sampling and testing shall be done in accordance with the procedures and test methods established by Part G (Methods).
2. The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method which is acceptable under §2105.01 (Equivalent Compliance Techniques). The overall efficiency of a control system, as determined by the test methods and procedures established by Part G, shall be no less than 90% as calculated by the following equation:

$$90\% = (1 - E/V) \times 100$$

Where:

V = The VOC content of the as applied coating, in lb VOC/gal of coating solids

E = Limit of 2.9 lbs VOC per gallon of coating solids (0.35 kg VOC per liter of coating solids)

3. A combination of the methods listed in paragraphs 1 and 2.
- c. **Records.** A facility, regardless of the facility's annual emission rate, which contains flat wood paneling coating processes, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:

- 1. The following parameters for each coating, thinner, and other component as supplied:
  - A. The coating, thinner or component name and identification number;
  - B. The volume used;
  - C. The mix ratio;
  - D. The density or specific gravity;
  - E. The weight percent of total volatiles, water, solids and exempt solvents;
  - F. The volume percent of solids for each coating used in the flat wood paneling coating process.
- 2. The VOC content of each coating, thinner and other component as supplied.
- 3. The VOC content of each as applied coating.

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No flat wood paneling coating process which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Application Techniques.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from the flat wood paneling coatings unless the coatings are applied using one or more of the following coating application methods:
- 1. Electrostatic spraying;
  - 2. Airless coating;
  - 3. Curtain coating;
  - 4. Roller coating;
  - 5. Flow coating;



6. Dip coating, including electrodeposition;
  7. High volume-low pressure (HVLP) spraying;
  8. Hand brush or roller coat;
  9. Other coating application method that the person demonstrates and the Department determines achieves emission reductions equivalent to HVLP or electrostatic spray application methods.
- f. **Exempt Other.** The VOC coating content standard of 2.9 lbs VOC per gallon of coating solids (0.35 kg VOC per liter of coating solids) do not apply to a coating used exclusively for stencil coatings, touch-up and repair coatings, coating applications using hand-held aerosol cans, air atomized sprays that apply cosmetic specialty coatings, if the volume of the cosmetic specialty coatings is less than 5% by volume of the total coating used at the source or to apply final repair coatings, coatings used exclusively for determining product quality and commercial acceptance and other small quantity coatings if the coating meets the following criteria:
1. The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.
  2. The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.
- g. **Housekeeping.** The following work practices for coating-related activities and cleaning materials apply to the owner or operator of a flat wood paneling coating process:
1. Store all VOC-containing coatings, thinners, coating-related waste materials, cleaning materials and used shop towels in closed containers.
  2. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating-related waste materials and cleaning materials are kept closed at all times except when depositing or removing these materials.
  3. Minimize spills of VOC-containing coatings, thinners and coating-related waste materials and cleaning materials, cleaning up spills immediately.
  4. Convey VOC-containing coatings, thinners, coating-related waste materials and cleaning materials from one location to another in closed containers or pipes.
  5. Minimize VOC emissions during cleaning of storage, mixing, and conveying equipment.

## §2105.79 CONTROL OF VOC EMISSIONS FROM PAPER, FILM, AND FOIL

### **SURFACE COATING PROCESSES** *{Added May 14, 2010, effective May 24, 2010. Subsection b amended October 26, 2022, effective November 5, 2022.}*

- a. **Applicability.** Beginning January 1, 2011, this section applies to the owner or operator of a paper, film, and foil surface coating process, where the total actual VOC emissions from all paper, film, and foil surface coating operations, including related cleaning activities, at that facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period. The limits from §2105.10 and Table 2105.10 no longer apply to the paper, film, and foil surface coating process as of January 1, 2011.
- b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a paper, film, and foil surface coating process unless one of the following limitations is met:
1. The VOC content of each as applied coating is equal to or less than the standard specified in Table 2105.79.
    - A. The VOC content of the as applied coating, expressed in units of weight of VOC per weight of coating solids, shall be calculated as follows:

$$\text{VOC}_B = (W_o)/(W_n)$$

Where:

- $\text{VOC}_B$  = VOC content in lb VOC/lb of coating solids  
 $W_o$  = Weight percent of VOC ( $W_v - W_w - W_{ex}$ )  
 $W_v$  = Weight percent of total volatiles (100%-weight percent solids)  
 $W_w$  = Weight percent of water  
 $W_{ex}$  = Weight percent of exempt solvents  
 $W_n$  = Weight percent of solids of the as applied coating

- B. The VOC content of a dip coating, expressed in units of weight of VOC per weight of coating solids, shall be calculated on a 30-day rolling average basis using the following equation:

$$\text{VOC}_A = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_j (W_{oj} \times D_{dj} \times Q_j)}{\sum_i (W_{ni} \times D_{ci} \times Q_i)}$$

Where:

- $\text{VOC}_A$  = VOC content in lb VOC/lb of coating solids for a dip coating, calculated on a 30-day rolling average basis  
 $W_{oi}$  = Percent VOC by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction (that is 55% = 0.55)  
 $D_{ci}$  = Density of each as supplied coating (i) added to the dip coating process, in pounds per gallon  
 $Q_i$  = Quantity of each as supplied coating (i) added to the dip coating process, in gallons  
 $W_{ni}$  = Percent solids by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction  
 $W_{oj}$  = Percent VOC by weight of each thinner (J) added to the dip coating process, expressed as a decimal fraction  
 $D_{dj}$  = Density of each thinner (J) added to the dip coating process, in pounds per gallon  
 $Q_j$  = Quantity of each thinner (J) added to the dip coating process, in gallons

- C. The VOC content limits of subparagraphs A and B may be met by averaging the VOC content of materials used on a single surface coating process line each day (i.e., daily within-coating unit averaging).
  - D. Sampling and testing shall be done in accordance with the procedures and test methods established by Part G (Methods).
2. The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method which is acceptable under §2105.01 (Equivalent Compliance Techniques). The overall efficiency of a control system, as determined by the test methods and procedures established by Part G, shall be no less than 90% as calculated by the following equation:

$$90\% = (1 - E/V) \times 100$$

Where:

V = The VOC content of the as applied coating, in lb VOC/lb of coating solids

E = The Table 2105.79 limit for paper, film, and foil surface coating in lbs VOC per lbs of coating solids

3. A combination of the methods listed in paragraphs 1 and 2.
- c. **Records.** A facility, regardless of the facility's annual emission rate, which contains paper, film, and foil surface coating processes, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:

- 1. The following parameters for each coating, thinner and other component as supplied:
  - A. The coating, thinner or component name and identification number;
  - B. The volume used;
  - C. The mix ratio;
  - D. The density or specific gravity;
  - E. The weight percent of total volatiles, water, solids and exempt solvents;
  - F. The volume percent of solids, Table 2105.79 for paper, film, and foil, for each coating used in the surface coating process.
- 2. The VOC content of each coating, thinner and other component as supplied.
- 3. The VOC content of each as applied coating.

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No paper, film, and foil surface coating process which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Application Techniques.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of paper, film, and foil surface coatings unless the coatings are applied using one or more of the following coating application methods:
- 1. Rotogravure (web-fed gravure).
  - 2. Reverse roll coating.
  - 3. Slot die coating.

4. Knife coating.
  5. Flexographic coating.
  6. Mayer rod or wire-wound rod coating.
  7. Dip and squeeze coating.
  8. Extrusion coating, including calendaring
- f. **Emission Limitations.** If more than one emission limitation in Table 2105.79 for paper, film, and foil surface coating applies to a specific coating, the least stringent emission limitation applies.
- g. **Exempt Other.** The VOC coating content standards in Table 2105.79 for paper, film, and foil surface coatings do not apply to a coating used exclusively stencil coatings, touch-up and repair coatings, coating applications using hand-held aerosol cans, coatings used exclusively for determining product quality and commercial acceptance and other small quantity coatings if the coating meets the following criteria:
1. The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.
  2. The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.
- h. **Housekeeping.** The following work practices for coating-related activities and cleaning materials apply to the owner or operator of a paper, film, and foil surface coating process:
1. Store all VOC-containing coatings, thinners, coating-related waste materials, cleaning materials and used shop towels in closed containers.
  2. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating-related waste materials and cleaning materials are kept closed at all times except when depositing or removing these materials.
  3. Minimize spills of VOC-containing coatings, thinners, coating-related waste materials and cleaning materials, cleaning up spills immediately.
  4. Convey VOC-containing coatings, thinners, coating-related waste materials and cleaning materials from one location to another in closed containers or pipes.
  5. Minimize VOC emissions from cleaning of storage, mixing and conveying equipment.

**Table 2105.79**  
**Emission Limits of VOCs for Paper, Film, and Foil Surface Coatings**

<u>Weight of VOC per Weight of Solids or Coating Applied</u>			
coatings	<u>Surface Coating Process Category</u>	Solids Applied kg VOC/kg solids	Coating Applied kg VOC/kg
		<u>(lb VOC/lb solids)</u>	<u>(lb VOC/lb coatings)</u>
	1. Pressure Sensitive Tape and Label	0.20	0.067
	2. Paper, Film, and Foil	0.40	0.08
	(Not including Pressure Sensitive Tape and Label)		

**§2105.80 CONTROL OF VOC EMISSIONS FROM OFFSET LITHOGRAPHIC  
PRINTING AND LETTERPRESS PRINTING**

*{Added May 29, 2013, effective June 8, 2013.*

*Subsection g amended October 26, 2022, effective November 5, 2022.}}*

- a. **Applicability.** Beginning January 1, 2012, this section applies to the owner or operator of an offset lithographic printing and/or letterpress printing operation, where the total actual VOC emissions from all offset lithographic printing and letterpress printing operations, with two exceptions, including related cleaning activities, at that facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period. These exceptions include heatset web offset lithographic printing operations and heatset web letterpress printing operations, for which this section only applies to those presses with potential to emit from the dryer, prior to controls, of at least 25 tons (22,680 kilograms) of VOC (petroleum ink oil) from heatset inks per twelve month rolling period.
- b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from an offset lithographic printing and/or letterpress printing operation unless one of the following limitations is met:
  1. The VOC content for heatset web offset lithographic printing contains 1.6 percent alcohol or less (by weight), on-press (as-applied) in the fountain or the following equivalents:
    - A. 3.0 percent alcohol or less (by weight) on-press (as-applied) in the fountain solution provided the fountain solution is refrigerated to below 60°F (15.5°C); or
    - B. 5.0 percent alcohol substitute or less (by weight) on-press (as-applied) and no alcohol in the fountain solution.
  2. The VOC content for sheet-fed offset lithographic printing contains 5.0 percent alcohol or less (by weight), in the fountain or the following equivalents:
    - A. 8.5 percent alcohol or less (by weight) on-press (as-applied) in the fountain solution provided the fountain solution is refrigerated to below 60°F (15.5°C); or
    - B. 5.0 percent alcohol substitute or less (by weight) on-press (as-applied) and no alcohol in the fountain solution.
  3. The VOC content for cold web lithographic printing contains 5.0 percent alcohol substitute or less (by weight) on-press (as-applied) and no alcohol in the fountain solution.
  4. The overall weight of VOC emitted to the atmosphere is reduced through the use of a chiller condenser or an oxidizer for heatset web offset lithographic printing or heatset web letterpress printing as follows:
    - A. The overall control efficiency for a chiller condenser shall be no less than 90 percent; or
    - B. The overall control efficiency for an oxidizer shall be no less than 95 percent; or
    - C. VOC outlet concentration is reduced to less than 20 ppmv on a dry basis.
  5. Use cleaning materials with a VOC composite vapor pressure less than 10mm Hg at 68°F (20°C) or cleaning materials containing less than 70 weight percent VOC. The cleaning materials apply to blanket washing, roller washing, plate cleaners, metering roller cleaners, impression cylinder cleaners, rubber rejuvenators, and other cleaners used for cleaning a press, press parts, or to remove dried ink from the areas around a press. The cleaning materials provided do not apply to cleaners used on electric components of a press, pre-press cleaning operations, post-press operations, cleaning supplies used to clean the floor, other than dried ink, in the area around a press, or cleaning performed in parts washers or cold cleaners.

6. A combination of the methods listed in Paragraphs 1 through 5.
- c. **Records.** A facility, regardless of the facility's annual emission rate, which contains offset lithographic printing and/or letterpress printing operations, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:
  1. The following parameters for each ink and other component as supplied:
    - A. The name and identification number of each ink, or component;
    - B. The volume used;
    - C. The total volume of all the inks used in the offset lithographic printing and letterpress printing operation;
    - D. The mix ratio;
    - E. The density or specific gravity;
    - F. If used, the temperature of the fountain solution.

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No offset lithographic printing operation or letterpress printing operation which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Exempt Other.** The following shall be exempt from the limitations set by Subsection b:
  1. Sheet-feed presses with sheet size of 11 inches (27.9 centimeters) by 17 inches (43.2 centimeters) or smaller, or to any sheet-feed press with total fountain solution reservoir of less than one gallon (3.8 liters).
  2. Heatset presses used for book printing or heatset presses with maximum web width of 22 inches (55.9 centimeters) or less are excluded from the add-on control of either a chiller condenser or an oxidizer.
  3. 110 gallons (416 liters) per year of cleaning materials, or less, which meet neither the low VOC composite vapor pressure limitation nor the lower VOC content limitation and work practices.
- f. **Housekeeping.** The following work practices for cleaning materials apply to the owner or operator of an offset lithographic printing and letterpress printing operation:
  1. Store all VOC-containing cleaning materials and used shop towels in closed containers.
  2. Ensure that ink, fountain solution and cleaning material storage containers are kept closed at all times except when depositing or removing those materials.
  3. Minimize spills of VOC-containing inks, fountain solutions and cleaning materials, cleaning up spills immediately.
  4. Convey VOC-containing inks, fountain solutions and cleaning materials from one location to another in closed containers or pipes.
  5. Minimize VOC emissions during cleaning of storage and conveying equipment.
- g. **Measurements.** Measurements of the volatile fraction of inks and fountain solution, and of volatile organic compound emissions shall be performed according to the applicable procedures established by Part G of this Article.

## §2105.81 CONTROL OF VOC EMISSIONS FROM FLEXIBLE PACKAGE PRINTING

*{Added May 29, 2013, effective June 8, 2013. Subsection f amended October 26, 2022, effective November 5, 2022.}*

- a. **Applicability.** Beginning January 1, 2012, this section applies to the owner or operator of a flexible packaging printing press, including rotogravure printing and flexographic printing, where the total actual VOC emissions from all flexible package printing press operations, including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period.
  1. The limits from §2105.11 Graphic Arts System no longer apply to flexible package printing presses, as of January 1, 2012.
- b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a flexible package printing press unless one of the following limitations is met:
  1. The overall control efficiency shall be no less than 80 percent.
  2. The VOC content of materials (inks, coatings and adhesives) used on a single press shall not be greater than 0.8 lb VOC per lb solids applied.
  3. The VOC content of materials (inks, coatings and adhesives) used on a single press shall not be greater than 0.16 lb VOC per lb materials applied.
- c. **Records.** A facility, regardless of the facility's annual emission rate, which contains a flexible package printing press, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:
  1. The following parameters for each material, ink, coating, adhesive and other component as supplied:
    - A. The name and identification number of each material, ink, coating and adhesive;
    - B. The volume used;
    - C. The mix ratio;
    - D. The density or specific gravity;
    - E. The weight percent of total volatiles, water, solids, and exempt solvents;
    - F. The VOC content of the materials (inks, coatings and adhesives) used on a single press per weight of solids or materials applied.

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.
- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No flexible package printing operation which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Housekeeping.** The following work practices for cleaning materials apply to the owner or operator of a flexible printing press:
  1. Store all VOC-containing cleaning materials and used shop towels in closed containers.
  2. Ensure that ink, coating, adhesive and cleaning material storage containers are kept closed at all times except when depositing or removing those materials.

3. Minimize spills of VOC-containing inks, coatings, adhesives and cleaning materials, cleaning up spills immediately.
  4. Convey VOC-containing inks, coatings, adhesives and cleaning materials from one location to another in closed containers or pipes.
  5. Minimize VOC emissions during cleaning of storage and conveying equipment.
- f. **Measurements.** Measurements of the volatile fraction of inks, and of volatile organic compound emissions shall be performed according to the applicable procedures established by Part G of this Article.

## §2105.82 CONTROL OF VOC EMISSIONS FROM INDUSTRIAL SOLVENT

### CLEANING OPERATIONS *{Added May 29, 2013, effective June 8, 2013. Subsection g amended October 26, 2022, effective November 5, 2022.}*

- a. **Applicability.** Beginning January 1, 2012, this section applies to the owner or operator of a facility, where the total actual VOC emissions from all of the industrial solvent cleaning operations at that facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period. This regulation applies to any facility that employs solvent materials in industrial solvent cleaning operations during the production, repair, maintenance, or servicing of parts, products, tools, machinery, equipment, or general work areas, and stores and/or disposes of these solvent materials.

The provisions of this rule shall not apply to cleaning operations in the following source categories listed for regulation under Section 183(e) of the Clean Air Act:

1. Aerospace coatings;
  2. Wood furniture coatings;
  3. Shipbuilding and repair coatings;
  4. Flexible package printing materials;
  5. Lithographic printing materials;
  6. Letterpress printing materials;
  7. Flat wood paneling coatings;
  8. Large appliance coatings;
  9. Metal furniture coatings;
  10. Paper, film, and foil coatings;
  11. Plastic parts coatings;
  12. Miscellaneous metal parts coatings;
  13. Fiberglass boat manufacturing materials;
  14. Miscellaneous industrial adhesives; or
  15. Auto and light-duty truck assembly coatings.
- b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from industrial solvent cleaning operations unless one of the following limitations is met:
1. The solvent complies with the applicable VOC Content Limitation Table 2105.82;
  2. The owner or operator of a facility that is subject to this rule shall employ only the following cleaning devices and methods:
    - A. Wipe cleaning;
    - B. Closed containers or hand held spray bottles from which solvents are applied without a propellant-induced force;



- C. Cleaning equipment which has a solvent container that can be and is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during non-operation with the exception of maintenance and repair to the cleaning equipment itself;
  - D. Remote reservoir cleaner, if the operator of the cleaner complies with all of the following:
    - i. Prevents solvent vapors from escaping from the solvent container by using such devices as a cover or a valve when the remote reservoir is not being used, cleaned or repaired.
    - ii. Directs solvent flow in a manner that will prevent liquid solvent from splashing outside of the remote reservoir cleaner.
    - iii. Does not clean porous or absorbent materials, such as cloth, leather, wood or rope.
    - iv. Uses only solvent containers free of all liquid leaks. Auxiliary equipment, such as pumps, pipelines or flanges, shall not have any liquid leaks, visible tears or cracks. Any liquid leak, visible tear or crack detected shall be repaired within one calendar day, or the leaking section of the remote reservoir cold cleaner shall be drained of all solvent and shut down until it is replaced or repaired.
  - E. Non-atomized solvent flow method where the cleaning solvent is collected in a container or a collection system which is closed except for solvent collection openings and, if necessary, openings to avoid excessive pressure build-up inside the container; or
  - F. Solvent flushing method where the cleaning solvent is discharged into a container which is closed except for solvent collection openings and, if necessary, openings to avoid excessive pressure build-up inside the container. The discharged solvent from the equipment must be collected into containers without atomizing into the open air. The solvent may be flushed through the system by air or hydraulic pressure or by pumping.
- 3. The owner or operator of a facility that is subject to this rule is prohibited from atomizing any solvent unless the emissions are vented to VOC emission control equipment that meet the requirements of Paragraph b.5 of this rule.
  - 4. All VOC containing solvents used in solvent cleaning operations shall be stored in non-absorbent, non-leaking containers which shall be kept closed at all times except when filling or emptying. Cloth and paper moistened with VOC containing solvents shall be stored in closed, non-absorbent, non-leaking containers.
  - 5. In lieu of complying with the requirements of Paragraphs b.1 and b.2 of this rule for an industrial solvent cleaning operation, the owner or operator of a facility that is subject to this rule may comply with this rule by installing and operating VOC emission control equipment for the industrial solvent cleaning operation. The VOC emission control equipment shall comply with all of the following requirements:
    - A. A capture efficiency of at least 90 percent, by weight, for the VOC emissions.
    - B. Either a destruction/removal efficiency of at least 95 percent, by weight, for the VOC emissions, or an outlet concentration of less than 20 ppmv, on a dry basis, for the VOC emissions.

6. In lieu of complying with the requirements in Paragraph b.1 of this rule, the owner or operator of a facility may use solvents or solvent solutions for industrial cleaning operations which have a VOC composite partial vapor pressure of less than or equal to 8mm of Hg at 68°F (20°C).

c. **Records.** A facility, regardless of the facility's annual emission rate, which is subject to any of the VOC content limitations specified in this rule, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:

1. The following parameters for each industrial solvent cleaner and other component as supplied:
  - A. The name and identification number of each industrial solvent cleaning material and the associated industrial cleaning activity;
  - B. The volume of each solvent used in the industrial solvent cleaning operation;
  - C. The total volume of all the solvents used in the industrial solvent cleaning operation;
  - D. The mix ratio;
  - E. The density or specific gravity;
  - F. The VOC content, based upon applicable procedures established in § 2107.04 of this Article, of each industrial solvent cleaning material, as employed or the VOC composite partial vapor pressures of the solvents or solvent solutions used in the industrial solvent cleaning operation.
2. The VOC content of each industrial solvent cleaner as supplied.
3. The VOC content of each industrial solvent cleaner as applied.

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No industrial solvent cleaning operation which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.

e. **Exempt Other.** The following industrial solvent cleaning operations shall be exempt from the limitations set by Subsection b:

1. The following industrial solvent cleaning operations are exempt from all the requirements of this rule:
  - A. Janitorial cleaning, including graffiti removal.
  - B. Stripping of cured coatings, cured ink, or cured adhesives.
  - C. Cleaning operations in printing pre-press or graphic arts pre-press areas, including the cleaning of film processors, color scanners, plate processors, film cleaning and plate cleaning.
2. The following industrial solvent cleaning operations are exempt from the VOC content limitations specified in Paragraph b.1 of this rule:
  - A. Cleaning of solar cells, laser hardware, scientific instruments and high precision optics.
  - B. Cleaning conducted as part of the following: performance laboratory tests on coatings, adhesives or inks; research and development programs; and laboratory tests in quality assurance laboratories.
  - C. Cleaning of paper-based gaskets and clutch assemblies where rubber is bonded to metal by means of an adhesive.

- D. Cleaning of cotton swabs to remove cottonseed oil before cleaning of high precision optics.
  - E. Medical device and pharmaceutical facilities using up to 1.5 gallons (5.7 Liters) per day of solvents.
  - F. Cleaning of adhesive application equipment used for thin metal laminating.
  - G. Cleaning of electronic or electronic cables.
  - H. Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached.
  - I. Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery product using less than three gallons per day of ethyl acetate.
  - J. Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings.
  - K. Cleaning of application equipment used to apply solvent borne fluoropolymer coatings.
  - L. Cleaning of ultraviolet or electron beam adhesive application.
  - M. Cleaning of sterilization indicating ink application equipment if the facility employs less than 1.5 gallons (5.7 Liters) per day of solvents for such cleaning.
  - N. Cleaning of metering rollers, dampening rollers and printing plates.
  - O. Cleaning of polyester resin application equipment for sources subject to 40 CFR Part 63, Subpart WWWW.
3. The following industrial solvent cleaning operations are exempt from the requirements of Paragraph b.3 of this rule:
- A. Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems.
  - B. Cleaning with spray bottles or containers described in Subparagraph b.2.B of this rule.
  - C. Printing operations where the roller shall be exempt from the requirements of Paragraphs b.1 and b.3 of this rule if the facility employs 1.25 gallons [one hundred sixty fluid ounces (4.7 Liters)] or less of the aerosol products per day.
- f. **Housekeeping.** The following work practices for cleaning materials apply to the owner or operator of an industrial solvent cleaning operation:
- 1. Store all VOC-containing cleaning materials and used shop towels in closed containers.
  - 2. Ensure that mixing and storage containers used for industrial solvent cleaning operations are kept closed at all times except when depositing or removing those materials.
  - 3. Minimize spills of VOC-containing industrial solvent cleaners, and cleaning materials, cleaning up spills immediately.
  - 4. Convey VOC-containing industrial solvent cleaners and cleaning materials from one location to another in closed containers or pipes.
  - 5. Minimize VOC emissions during cleaning of storage and conveying equipment.
- g. **Measurements.** Measurements of the volatile fraction of industrial solvent cleaners, and of volatile organic compound emissions shall be performed according to the applicable procedures established by Part G of this Article.

**Table 2105.82**  
**Emission Limits of VOCs for Industrial Solvent Cleaning Operations**

	<u>Industrial Solvent Cleaning Operation</u>	<u>VOC Content Limitation as employed</u>	
		<u>lbs VOC per gal</u>	<u>kg VOC per liter</u>
1.	Product cleaning during manufacturing process or surface preparation for coating, adhesive, or ink application		
	(a) General	0.42	0.050
	(b) Electrical apparatus components and electronic components	0.83	0.099
	(c) Medical devices and pharmaceuticals	6.7	0.80
2.	Repair and maintenance cleaning		
	(a) General	0.42	0.050
	(b) Electrical apparatus components and electronic components	0.83	0.099
	(c) Medical devices and pharmaceuticals		
	(i) Tools, equipment and machinery	6.7	0.80
	(ii) General work surfaces	5.0	0.60
3.	Cleaning of coating or adhesive	0.42	0.050
4.	Cleaning of ink application equipment:		
	(a) General	0.42	0.050
	(b) Flexographic printing	0.42	0.050
	(c) Gravure printing		
	(i) Publication	0.83	0.099
	(ii) Packaging	0.42	0.050
	(d) Screen printing	4.2	0.50
	(e) Ultraviolet ink and electron beam ink application equipment, except screen printing	4.2	0.50
	(f) Specialty flexographic printing	0.83	0.099
5.	Cleaning of polyester resin application equipment not subject to 40 CRF Part 63 Subpart WWW	0.42	0.050

**§2105.83 CONTROL OF VOC EMISSIONS FROM MISCELLANEOUS METAL AND/OR PLASTIC PARTS SURFACE COATING PROCESSES** *{Added May 29, 2013, effective June 8, 2013. Subsections b & i amended October 26, 2022, effective November 5, 2022.}*

- a. **Applicability.** Beginning January 1, 2014, this section applies to the owner or operator of a miscellaneous metal parts and/or plastic parts surface coating processes, where the total actual VOC emissions from all miscellaneous metal parts and/or plastic parts surface coating processes, including related cleaning activities, at that facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period, before controls.

The provisions of this rule shall not apply to the following source categories listed for regulation under Section 183(e) of the Clean Air Act:

1. Shipbuilding and repair coatings;
2. Aerospace coatings;
3. Wood furniture coatings;
4. Metal furniture coatings;
5. Large appliance coatings;
6. Auto and light-duty truck assembly coatings;
7. Flat wood paneling coatings;

8. Miscellaneous industrial adhesives;
9. Fiberglass boat manufacturing materials;
10. Paper, film, and foil coatings; or

Can coatings, coil coatings or magnet wire coatings which are not listed under Section 183(e) of the Act, but were addressed by regulation § 2105.10.

b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a miscellaneous metal parts and/or plastic parts surface coating processes, unless one of the following limitations is met:

1. The VOC content of each applied coating is equal to or less than the standard specified in Table 2105.83.1.

A. The VOC content, minus exempt compounds, of the applied coating, expressed in units of weight of VOC per volume of total nonexempt material, shall be calculated as follows:

$$\text{VOC} = \frac{W_s - W_w - W_{ex}}{V_m - V_w - V_{ex}}$$

Where:

VOC = VOC content, minus exempt compounds, in lb (g) VOC / gal (l) of materials, minus exempt compounds

$W_s$  = Weight of all volatile material in pounds (g), including VOC, water, non-precursor organic compounds and dissolved vapors

$W_w$  = Weight of water in pounds (g)

$W_{ex}$  = Weight of exempt solvent(s) in pounds (g)

$V_m$  = Volume of total material, as applied in gallons (l)

$V_w$  = Volume of water in gallons (l)

$V_{ex}$  = Volume of exempt solvent(s) in gallons (l)

B. The VOC content limits of subparagraph A may be met by averaging the VOC content of materials used on a single application unit for each day (i.e., daily within-application unit averaging).

C. Sampling and testing shall be done in accordance with the procedures and test methods established by Part G (Methods).

2. The VOC content limitations based on low-VOC coatings as specified in Table 2105.83.2 of this rule, the use of add-on pollution control equipment to meet the VOC content limitations, and the use of an application method specified in Subsection e of this rule.

A. The VOC content, minus exempt compounds, of the applied coating, expressed in units of weight of VOC per volume of total material, shall be calculated as follows:

$$\text{VOC} = \frac{W_s - W_w - W_{ex}}{V_m}$$

Where:

VOC = VOC content, minus exempt compounds, in lb (g) VOC / gal (l) of materials

$W_s$  = Weight of all volatile material in pounds (g), including VOC, water, non-precursor organic compounds and dissolved vapors

$W_w$  = Weight of water in pounds (g)  
 $W_{ex}$  = Weight of exempt solvent(s) in pounds (g)  
 $V_m$  = Volume of total material, as applied in gallons (l)

- B. The VOC content limits of subparagraph A may be met by averaging the VOC content of materials used on a single application unit for each day (i.e., daily within-application unit averaging).
- C. Sampling and testing shall be done in accordance with the procedures and test methods established by Part G (Methods).
3. The overall weight of VOC emitted to the atmosphere is reduced through the use of an oxidizer, adsorber, absorber, concentrator, or another add-on control which is acceptable under § 2105.01 (Equivalent Compliance Techniques). The overall control system, as determined by the test methods and procedures established by Part G, shall be no less than 90%.
- c. **Records.** A facility, regardless of the facility's annual emission rate, which contains miscellaneous metal parts and/or plastic parts surface coating processes, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:
1. The following parameters for each coating and other component as supplied:
    - A. The coating, thinner or component name and identification number;
    - B. The volume used;
    - C. The mix ratio;
    - D. The density or specific gravity;
    - E. The weight percent of total volatiles, water, and exempt solvents;
    - F. The volume percent of total materials, water, and exempt solvents for either Table 2105.83.1 or Table 2105.83.2 for miscellaneous metal parts and/or plastic parts surface coating processes.
- The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.
- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No miscellaneous metal parts and/or plastic parts surface coating processes which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Application Techniques.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of miscellaneous metal parts and/or plastic parts surface coatings unless the coatings are applied using one or more of the following application methods:
1. Airless spraying;
  2. Air-assisted airless spraying;
  3. Electrostatic spraying;
  4. High volume-low pressure (HVLP) spraying;
  5. Dip coating, including electrodeposition;
  6. Flow coating;
  7. Roll coating;
  8. Autophoretic coating;
  9. Zinc-arc spraying;
  10. Other coating application method that the person demonstrates and the Department determines achieves emission reductions equivalent to HVLP spraying.

f. **Exempt Other.**

1. The following shall be exempt from this regulation:
  - A. Aerosol coatings;
  - B. Architectural coatings;
  - C. Automobile refinish coatings;
  - D. The coating of bodies and/or body parts for new heavier vehicles where the owner or operator elects to comply with the requirements of regulation §2105.84.
2. The following metal parts coatings and coating operations shall be exempt from the limitations set by Subsection b, and Subsection e, Application Techniques but shall still comply with Subsection h, Housekeeping:
  - A. Stencil coatings;
  - B. Safety-indicating coatings;
  - C. Solid-film lubricants;
  - D. Electric-insulating and thermal-conducting coatings;
  - E. Magnetic data storage disk coatings;
  - F. Plastic extruded onto metal parts to form a coating.
3. The following plastic parts coatings and coating operations shall be exempt from the limitations set by Subsection b, but shall still comply with Subsection e, Application Techniques and Subsection h, Housekeeping:
  - A. Touch-up and repair coatings;
  - B. Stencil coatings applied on clear or transparent substrates;
  - C. Clear or translucent coatings;
  - D. Coatings applied at a paint manufacturing facility while conducting performance tests on the coating;
  - E. Any individual coating category used in volumes less than 50 gallons in any one year, if substitute compliant coatings are not available, provided that the total usage of all such coatings does not exceed 200 gallons per year, per facility;
  - F. Reflective coating applied to highway cones;
  - G. Mask coatings that are less than 0.5 millimeter thick (dried) and the area coated is less than 25 square inches;
  - H. Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings;
  - I. Heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices, provided that the total usage of all such coatings does not exceed 100 gallons per year, per facility.
4. The following automotive/transportation and business machine plastic part coatings and coating operations shall be exempt from the limitations set by Subsection b, but shall still comply with Subsection e, Application Techniques and Subsection h, Housekeeping:
  - A. Texture coatings;
  - B. Vacuum metalizing coatings;
  - C. Gloss reducers;
  - D. Texture topcoats;
  - E. Adhesive primers;
  - F. Electrostatic preparation coatings;
  - G. Resist coatings;
  - H. Stencil coatings.
5. The application techniques in Subsection e of this rule do not apply to the following:

- A. For metal parts coatings; touch-up coatings, repair coatings, and textured finishes.
  - B. For plastic parts coatings; airbrush operations using five gallons or less of coating per year.
  - C. For pleasure craft surface coating operations; extreme high gloss coatings.
- g. **Emission Limitations.** For those who elect to adopt the limitation from Subparagraph b.1, if more than one emission limitation in Table 2105.83.1 for miscellaneous metal parts and/or plastic parts applies to a specific coating, the least stringent emission limitation applies. For those who elect to adopt the limitation from Subparagraph b.2, if more than one emission limitation in Table 2105.83.2 for miscellaneous metal parts and/or plastic parts applies to a specific coating, the least stringent emission limitation applies.
- h. **Housekeeping.** The following work practices for cleaning materials apply to the owner or operator of a miscellaneous metal parts and/or plastic parts surface coating processes:
  - 1. Store all VOC-containing coatings, thinners, coating-related waste materials, cleaning materials and used shop towels in closed containers.
  - 2. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating-related waste materials and cleaning materials are kept closed at all times except when depositing or removing these materials.
  - 3. Minimize spills of VOC-containing coatings, thinners, coating-related waste materials and cleaning materials, cleaning up spills immediately.
  - 4. Convey VOC-containing coatings, thinners, coating-related waste materials and cleaning materials from one location to another in closed containers or pipes.
- i. **Measurements.** Measurements of the volatile fraction of coatings, other than reactive coatings, used at facilities operating miscellaneous metal parts and/or plastic parts surface coating processes shall be performed according to the applicable procedures established by Part G of this Article.



**Table 2105.83.1**  
**Emission Limits of VOCs for Miscellaneous Metal and/or Plastic Surface Coatings**

<b><u>Limits as Applied</u></b>	<b><u>Mass of VOC per volume of coating (minus exempt compounds)</u></b>			
<b>Metal Parts and Products VOC Content Limits</b>	Air Dried		Baked	
	<u>kg/l</u>	<u>lb/gal</u>	<u>kg/l</u>	<u>lb/gal</u>
Coating Category				
General One Component	0.34	2.8	0.28	2.3
General Multi-Component	0.34	2.8	0.28	2.3
Camouflage	0.42	3.5	0.42	3.5
Electric-Insulating Varnish	0.42	3.5	0.42	3.5
Etching Filler	0.42	3.5	0.42	3.5
Extreme High-Gloss	0.42	3.5	0.36	3.0
Extreme Performance	0.42	3.5	0.36	3.0
Heat-Resistant	0.42	3.5	0.36	3.0
High Performance Architectural	0.74	6.2	0.74	6.2
High Temperature	0.42	3.5	0.42	3.5
Metallic	0.42	3.5	0.42	3.5
Military Specification	0.34	2.8	0.28	2.3
Mold-Seal	0.42	3.5	0.42	3.5
Pan Backing	0.42	3.5	0.42	3.5
Prefabricated Architectural Multi-Component	0.42	3.5	0.28	2.3
Prefabricated Architectural One Component	0.42	3.5	0.28	2.3
Pretreatment	0.42	3.5	0.42	3.5
Repair and Touch-Up	0.42	3.5	0.36	3.0
Silicone Release	0.42	3.5	0.42	3.5
Solar-Absorbent	0.42	3.5	0.36	3.0
Vacuum-Metalizing	0.42	3.5	0.42	3.5
Drum Coating, New, Exterior	0.34	2.8	0.34	2.8
Drum Coating, New, Interior	0.42	3.5	0.42	3.5
Drum Coating, Reconditioned, Exterior	0.42	3.5	0.42	3.5
Drum Coating, Reconditioned, Interior	0.50	4.2	0.50	4.2
 <b>Plastic Parts and Products VOC Content Limits</b>				
Coating Category	<u>kg/l</u>	<u>lb/gal</u>		
General One Component	0.28	2.3		
General Multi-Component	0.42	3.5		
Electric Dissipating and Shock-Free	0.80	6.7		
Extreme Performance (2-pack coatings)	0.42	3.5		
Metallic	0.42	3.5		
Military Specification (1-pack coatings)	0.34	2.8		
Military Specification (2-pack coatings)	0.42	3.5		
Mold-Seal	0.76	6.3		
Multi-colored Coatings	0.68	5.7		
Optical Coatings	0.80	6.7		
Vacuum-Metalizing	0.80	6.7		

**Automotive Transportation and Business Machine Plastic Parts VOC Content Limits**

<u>Coating Category</u>	<u>kg/l</u>	<u>lb/gal</u>
--Automotive Transportation Coatings*--		
High Bake – Interior and Exterior Parts		
Flexible Primer	0.54	4.5
Non-Flexible Primer	0.42	3.5
Basecoat	0.52	4.3
Clearcoat	0.48	4.0
Non-Basecoat/Clearcoat	0.52	4.3
Low Bake/Air Dried – Exterior Parts		
Primer	0.58	4.8
Basecoat	0.60	5.0
Clearcoat	0.54	4.5
Non-Basecoat/Clearcoat	0.60	5.0
Low Bake/Air Dried – Interior Parts		
Touch-Up and Repair	0.62	5.2
--Business Machine Coatings--		
Primers	0.35	2.9
Topcoat	0.35	2.9
Texture Coat	0.35	2.9
Fog Coat	0.26	2.2
Touch-Up and Repair	0.35	2.9

\* For red, yellow, and black automotive coatings, except touch-up and repair coatings, the limit is determined by multiplying the appropriate limit in this section of the table by 1.15

**Pleasure Craft Surface Coating VOC Content Limits**

<u>Coating Category</u>	<u>kg/l</u>	<u>lb/gal</u>
Extreme High-Gloss Topcoat	0.49	4.1
High-Gloss Topcoat	0.42	3.5
Pretreatment Wash Primers	0.78	6.5
Finish Primer/Surfacer	0.42	3.5
High-Build Primer Surfacer	0.34	2.8
Aluminum Substrate Antifoulant	0.56	4.7
Other Substrate Antifoulant	0.33	2.8
All Other Pleasure Craft Surface Coatings for Metal or Plastic	0.42	3.5

**Motor Vehicle Materials VOC Content Limits**

<u>Coating Category</u>	<u>kg/l</u>	<u>lb/gal</u>
Motor Vehicle Cavity Wax	0.65	5.4
Motor Vehicle Sealer	0.65	5.4
Motor Vehicle Deadener	0.65	5.4
Motor Vehicle Gasket/Gasket Sealing Material	0.20	1.7
Motor Vehicle Underbody	0.65	5.4
Motor Vehicle Truck Interior	0.65	5.4
Motor Vehicle Bedliner	0.20	1.7
Motor Vehicle Lubricating Wax/Compound	0.70	5.8

**Table 2105.83.2**  
**Emission Limits of VOCs for Miscellaneous Metal and/or Plastic Surface Coatings**  
**with Applicable Add-on Controls**

<b><u>Limits as Applied</u></b>	<b><u>Mass of VOC per volume solids</u></b>			
<b>Metal Parts and Products VOC Content Limits</b>	Air Dried		Baked	
<u>Coating Category</u>	<u>kg/l</u>	<u>lb/gal</u>	<u>kg/l</u>	<u>lb/gal</u>
General One Component	0.54	4.52	0.40	3.35
General Multi-Component	0.54	4.52	0.40	3.35
Camouflage	0.80	6.67	0.80	6.67
Electric-Insulating Varnish	0.80	6.67	0.80	6.67
Etching Filler	0.80	6.67	0.80	6.67
Extreme High-Gloss	0.80	6.67	0.61	5.06
Extreme Performance	0.80	6.67	0.61	5.06
Heat-Resistant	0.80	6.67	0.61	5.06
High Performance Architectural	4.56	38.0	4.56	38.0
High Temperature	0.80	6.67	0.80	6.67
Metallic	0.80	6.67	0.80	6.67
Military Specification	0.54	4.52	0.40	3.35
Mold-Seal	0.80	6.67	0.80	6.67
Pan Backing	0.80	6.67	0.80	6.67
Prefabricated Architectural Multi-Component	0.80	6.67	0.40	3.35
Prefabricated Architectural One Component	0.80	6.67	0.40	3.35
Pretreatment	0.80	6.67	0.80	6.67
Silicone Release	0.80	6.67	0.80	6.67
Solar-Absorbent	0.80	6.67	0.61	5.06
Vacuum-Metalizing	0.80	6.67	0.80	6.67
Drum Coating, New, Exterior	0.54	4.52	0.54	4.52
Drum Coating, New, Interior	0.80	6.67	0.80	6.67
Drum Coating, Reconditioned, Exterior	0.80	6.67	0.80	6.67
Drum Coating, Reconditioned, Interior	1.17	9.78	1.17	9.78
 <b>Plastic Parts and Products VOC Content Limits</b>				
<u>Coating Category</u>	<u>kg/l</u>	<u>lb/gal</u>		
General One Component	0.40	3.35		
General Multi-Component	0.80	6.67		
Electric Dissipating and Shock-Free	8.96	74.7		
Extreme Performance (2-pack coatings)	0.80	6.67		
Metallic	0.80	6.67		
Military Specification (1-pack coatings)	0.54	4.52		
Military Specification (2-pack coatings)	0.80	6.67		
Mold-Seal	5.24	43.7		
Multi-colored Coatings	3.04	25.3		
Optical Coatings	8.96	74.7		
Vacuum-Metalizing	8.96	74.7		

**Automotive Transportation and Business Machine Plastic Parts VOC Content Limits**

<u>Coating Category</u>	<u>kg/l</u>	<u>lb/gal</u>
--Automotive Transportation Coatings*--		
High Bake – Interior and Exterior Parts		
Flexible Primer	1.39	11.58
Non-Flexible Primer	0.80	6.67
Basecoat	1.24	10.34
Clearcoat	1.05	8.76
Non-Basecoat/Clearcoat	1.24	10.34
Low Bake/Air Dried – Exterior Parts		
Primer	1.66	13.80
Basecoat	1.87	15.59
Clearcoat	1.39	11.58
Non-Basecoat/Clearcoat	1.87	15.59
Low Bake/Air Dried – Interior Parts		
Touch-Up and Repair	2.13	17.72
--Business Machine Coatings--		
Primers	0.57	4.80
Topcoat	0.57	4.80
Texture Coat	0.57	4.80
Fog Coat	0.38	3.14
Touch-Up and Repair	0.57	4.80

\* For red, yellow, and black automotive coatings, except touch-up and repair coatings, the limit is determined by multiplying the appropriate limit in this section of the table by 1.15

**Pleasure Craft Surface Coating VOC Content Limits**

<u>Coating Category</u>	<u>kg/l</u>	<u>lb/gal</u>
Extreme High-Gloss Topcoat	1.10	9.2
High-Gloss Topcoat	0.80	6.7
Pretreatment Wash Primers	6.67	55.6
Finish Primer/Surfacer	0.80	6.7
High-Build Primer Surfacer	0.55	4.6
Aluminum Substrate Antifoulant	1.53	12.8
Other Substrate Antifoulant	0.53	4.4
All Other Pleasure Craft Surface Coatings for Metal or Plastic	0.80	6.7

**§2105.84 CONTROL OF VOC EMISSIONS FROM AUTOMOBILE AND LIGHT-DUTY TRUCK ASSEMBLY COATINGS** {Added May 29, 2013, effective June 8, 2013. Subsection b & f amended

October 26, 2022, effective November 5, 2022.}

- a. **Applicability.** Beginning January 1, 2014, this section applies to the owner or operator of an automobile and/or light-duty truck assembly coating operation, where the total actual VOC emissions from all automobile and/or light-duty truck assembly coating operations, including related cleaning activities, at that facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period, before controls.
- b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from an automobile and/or light-duty truck assembly coating operation, unless one of the following limitations is met:

1. The VOC content of each assembly coating process and applied material coating is equal to or less than the standard specified in Table 2105.84.

- A. The VOC content, minus exempt compounds, of the applied coating, expressed in units of weight of VOC per volume of total nonexempt material, shall be calculated as follows:

$$\text{VOC} = \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

Where:

VOC = VOC content, minus exempt compounds, in lb (g) VOC / gal (l) of materials, minus exempt compounds

$W_s$  = Weight of all volatile material in pounds (g), including VOC, water, non-precursor organic compounds and dissolved vapors

$W_w$  = Weight of water in pounds (g)

$W_{es}$  = Weight of all non-precursor compounds in pounds (g)

$V_m$  = Volume of total material, as applied in gallons (l)

$V_w$  = Volume of water in gallons (l)

$V_{es}$  = Volume of all non-precursor compounds in gallons (l)

2. The overall weight of VOC emitted to the atmosphere is reduced through the use of an oxidizer, adsorber, or another add-on control which is acceptable under §2105.01 (Equivalent Compliance Techniques). The overall control system, as determined by the test methods and procedures in established by Part G, shall be no less than 85%.

- c. **Records.** A facility, regardless of the facility's annual emission rate, which contains an automobile and/or light-duty truck assembly coating operation, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:

1. The following parameters for each coating, thinner and other component as supplied:

- A. The coating, thinner or component name and identification number;
- B. The volume used;
- C. The mix ratio;
- D. The density or specific gravity;
- E. The weight percent of total volatiles, water, and exempt solvents;
- F. The volume percent of total solids, water, and exempt solvents for Table 2105.84 automobile and/or light-duty truck assembly coating operation.

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No automobile and/or light-duty truck assembly coating operation which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.
- e. **Housekeeping.** The following work practices for cleaning materials apply to the owner or operator of an automobile and/or light-duty truck assembly coating operation:
1. Store all VOC-containing coatings, thinners, coating-related waste materials, cleaning materials and used shop towels in closed containers.
  2. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing those materials.
  3. Minimize spills of VOC-containing coatings, thinners, coating-related waste materials, and cleaning materials, cleaning up spills immediately.
  4. Convey VOC-containing coatings, thinners, coating-related waste materials, and cleaning materials from one location to another in closed containers or pipes.
  5. Minimize VOC emissions from cleaning of application, storage, mixing and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.
  6. Develop and implement a work practice plan to minimize VOC emissions from cleaning and from purging of equipment associated with all coating operations for which emission limits are specified in this regulation. The plan shall specify practices and procedures to ensure that VOC emissions from the following operations are minimized:
    - A. Vehicle body wiping;
    - B. Coating line purging;
    - C. Flushing of coating systems;
    - D. Cleaning of spray booth grates;
    - E. Cleaning of spray booth walls;
    - F. Cleaning of spray booth equipment;
    - G. Cleaning of external spray booth areas; and
    - H. Other housekeeping measures.
- f. **Measurements.** Measurements of the volatile fraction of coatings, other than reactive coatings, used at automobile and/or light-duty truck assembly coating facilities shall be performed according to the applicable procedures established by Part G of this Article.

**Table 2105.84**  
**VOC Emission Limits for Automobile and/or Light-duty Truck Assembly Coatings**  
 (pounds VOC per gallon or grams VOC per liter coating solids applied)

<u>Assembly Coating Process</u>	<u>VOC Emission Limit</u>	
	<u>lb/gal</u>	<u>g/l</u>
Electrodeposition primer operation when solids turnover ratio ( $R_T$ ) $\geq 0.16$ (including application area, spray/rinse stations, and curing oven)	0.7	84
Electrodeposition primer operation when $0.040 \leq (R_T) < 0.16$ (including application area, spray/rinse stations, and curing oven)	$0.7 * 350^{0.160 - R_T}$	$84 * 350^{0.160 - R_T}$
Electrodeposition primer operation when ( $R_T$ ) $< 0.040$ (including application area, spray/rinse stations, and curing oven)	No VOC emission limit	
Primer-surfacer operations (including application area, flash-off area, and oven)	12.0	1,440
Topcoat operations (including application area, flash-off area, and oven)	12.0	1,440
Final repair operations	4.8	580
Combined primer-surfacer and topcoat operations	12.0	1,440

**VOC Emission Limits for Miscellaneous Materials Used at Automobile and/or Light-duty Truck Assembly Coating Facilities**  
 (pounds VOC per gallon or grams VOC per of liter coating excluding water and exempt compounds, as applied)

<u>Material</u>	<u>VOC Emission Limit</u>	
	<u>lb/gal</u>	<u>g/l</u>
Automobile and light-duty truck glass bonding primer	7.5	900
Automobile and light-duty truck adhesive	2.1	250
Automobile and light-duty truck cavity wax	5.4	650
Automobile and light-duty truck sealer	5.4	650
Automobile and light-duty truck deadener	5.4	650
Automobile and light-duty truck gasket/gasket sealing material	1.7	200
Automobile and light-duty truck underbody coating	5.4	650
Automobile and light-duty truck trunk interior coating	5.4	650
Automobile and light-duty truck bedliner	1.7	200
Automobile and light-duty truck weatherstrip adhesive	6.3	750
Automobile and light-duty truck lubricating wax/compound	5.8	700

**§2105.85 CONTROL OF VOC EMISSIONS FROM MISCELLANEOUS INDUSTRIAL ADHESIVES** *{Added May 29, 2013, effective June 8, 2013. Subsections b & i amended October 26, 2022, effective November 5, 2022.}*

- a. **Applicability.** Beginning January 1, 2014, this section applies to the owner or operator of a miscellaneous industrial adhesive application process, where the total actual VOC emissions from all miscellaneous industrial adhesives, including related cleaning activities, at that facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period, before controls.
- b. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a miscellaneous industrial adhesive process, unless one of the following limitations is met:

1. The VOC content of each applied adhesive is equal to or less than the standard specified in Table 2105.85.

- A. The VOC content, minus exempt compounds, of the applied adhesive, expressed in units of weight of VOC per volume of total nonexempt material, shall be calculated as follows:

$$\text{VOC} = \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

Where:

VOC = VOC content, minus exempt compounds, in lb (g) VOC / gal (l) of materials, minus exempt compounds

$W_s$  = Weight of all volatile material in pounds (g), including VOC, water, non-precursor organic compounds and dissolved vapors

$W_w$  = Weight of water in pounds (g)

$W_{es}$  = Weight of all non-precursor compounds in pounds (g)

$V_m$  = Volume of total material, as applied in gallons (l)

$V_w$  = Volume of water in gallons (l)

$V_{es}$  = Volume of all non-precursor compounds in gallons (l)

- B. The VOC content limits of subparagraph A may be met by averaging the VOC content of materials used on a single application unit for each day (i.e., daily within-application unit averaging).
2. The overall weight of VOC emitted to the atmosphere is reduced through the use of an oxidizer, adsorber, absorber or another add-on control which is acceptable under § 2105.01 (Equivalent Compliance Techniques). The overall control system, as determined by the test methods and procedures established by Part G, shall be no less than 85%.
3. A combination of the methods listed in paragraphs 1 and 2.

- c. **Records.** A facility, regardless of the facility's annual emission rate, which contains miscellaneous industrial adhesive application processes, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:

1. The following parameters for each adhesive and other component as supplied:

- A. The name and identification number of each adhesive, or component;
      - B. The volume used;
      - C. The mix ratio;
      - D. The density or specific gravity;
      - E. The weight percent of total volatiles, water, and exempt solvents;
      - F. The volume percent of total materials, water, and exempt solvents for Table 2105.86 miscellaneous industrial adhesives.

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

- d. **Exempt Solvents.** The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this Section. No miscellaneous industrial adhesive application process which seeks to comply with this Section through the use of an exempt solvent may be included in any alternative standard approved pursuant to this Article.



- e. **Application Techniques.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of miscellaneous industrial adhesives unless the adhesives are applied using one or more of the following application methods:
1. Electrostatic spraying;
  2. High volume-low pressure (HVLP) spraying;
  3. Flow coating;
  4. Dip coating, including electrodeposition;
  5. Airless spraying;
  6. Air-assisted airless spraying;
  7. Roll coating or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;
  8. Other adhesive application method that the person demonstrates and the Department determines achieves emission reductions equivalent to HVLP spraying.
- f. **Exempt Other.** The following shall be exempt from the limitations set by Subsection b, but shall still comply with the Subsection h, Housekeeping:
1. Adhesives or adhesive primers being tested or evaluated in any research and development, quality assurance, or analytical laboratory.
  2. Adhesives or adhesive primers used in the assembly, repair, or manufacture of aerospace or undersea-based weapon systems.
  3. Adhesives or adhesive primers used in medical equipment manufacturing operations.
  4. Cyanoacrylate adhesive application processes.
  5. Aerosol adhesive and aerosol adhesive primer application processes.
  6. Processes using polyester bonding putties to assemble fiberglass parts at fiberglass boat manufacturing facilities and at other reinforced plastic composite manufacturing facilities.
  7. Processes using adhesives and adhesive primers that are supplied to the manufacturer in containers with a net volume of 16 ounces or less, or a net weight of one pound or less.
- g. **Emission Limitations.** If an adhesive is used to bond dissimilar substrates together, then the applicable substrate category with the least stringent emission limitation applies.
- h. **Housekeeping.** The following work practices for cleaning materials apply to the owner or operator of a miscellaneous industrial adhesive application processes:
1. Store all VOC-containing adhesives, adhesive primers, process-related waste materials, cleaning materials and used shop towels in closed containers.
  2. Ensure that mixing and storage containers used for VOC-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing those materials.
  3. Minimize spills of VOC-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials, cleaning up spills immediately.
  4. Convey VOC-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials from one location to another in closed containers or pipes.

5. Minimize VOC emissions from cleaning of application, storage, mixing and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

- i. **Measurements.** Measurements of the volatile fraction of adhesives, other than reactive adhesives, used at facilities operating miscellaneous industrial adhesive application processes shall be performed according to the applicable procedures established by Part G of this Article.

**Table 2105.85**  
**Emission Limits of VOCs for Miscellaneous Industrial Adhesives**

<u>Limits as Applied</u>	<u>VOC content minus exempt compounds</u>	
<u>General Adhesive Application Processes</u>	<u>lb/gal</u>	<u>g/l</u>
Reinforced Plastic Composite	1.7	200
Flexible Vinyl	2.1	250
Metal	0.3	30
Porous Material (Except Wood)	1.0	120
Rubber	2.1	250
Wood	0.3	30
Other Substrates	2.1	250
<u>Specialty Adhesive Application Processes</u>		
Ceramic Tile Installation	1.1	130
Contact Adhesive	2.1	250
Cove Base Installation	1.3	150
Floor Covering Installation (Indoor)	1.3	150
Floor Covering Installation (Outdoor)	2.1	250
Floor Covering Installation (Perimeter Bonded Sheet Vinyl)	5.5	660
Metal to Urethane/Rubber Molding or Casting	7.1	850
Motor Vehicle Adhesive	2.1	250
Motor Vehicle Weather-strip Adhesive	6.3	750
Multipurpose Construction	1.7	200
Plastic Solvent Welding (ABS)	3.3	400
Plastic Solvent Welding (Except ABS)	4.2	500
Sheet Rubber Lining Installation	7.1	850
Single-Ply Roof Membrane Installation/Repair (Except EPDM)	2.1	250
Structural Glazing	0.8	100
Thin Metal Laminating	6.5	780
Tire Repair	0.8	100
Waterproof Resorcinol Glue	1.4	170
<u>Adhesive Primer Application Processes</u>		
Motor Vehicle Glass Bonding Primer	7.5	900
Plastic Solvent Welding Adhesive Primer	5.4	650
Single-Ply Roof Membrane Adhesive Primer	2.1	250
Other Adhesive Primer	2.1	250

**§2105.86 CONTROL OF VOC EMISSIONS FROM FIBERGLASS BOAT MANUFACTURING MATERIALS**

*{Added May 29, 2013, effective June 8, 2013. Table 2105.86 added May 8, 2015, effective June 19, 2015. Subsection g amended October 26, 2022, effective November 5, 2022.}*

- a. **Applicability.** Beginning January 1, 2014, this section applies to the owner or operator of a fiberglass boat manufacturing facility, where the total actual VOC emissions from fiberglass boat manufacturing materials, including related cleaning activities, at that facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per twelve month rolling period, before controls. This regulation applies to facilities that manufacture hulls or decks of boats from fiberglass, or build molds to make fiberglass boat hulls or decks. This regulation does not apply to facilities that manufacture solely fiberglass parts of boats such as hatches, seats, lockers, or boat trailers.
- b. **Exemptions.** This regulation does not extend to surface coatings applied to fiberglass boats, and industrial adhesives used in the assembly of fiberglass boats. Surface coating for fiberglass and metal recreational boats, also called pleasure crafts, are addressed in regulation § 2105.83 CONTROL OF VOC EMISSIONS FROM MISCELLANEOUS METAL AND/OR PLASTIC PARTS SURFACE COATING PROCESSES. Industrial adhesives used in fiberglass boat assembly are addressed in regulation § 2105.85 CONTROL OF VOC EMISSIONS FROM MISCELLANEOUS INDUSTRIAL ADHESIVES.
- c. **Limitations.** A person may not cause or permit the emission into the outdoor atmosphere of VOCs from fiberglass boat manufacturing materials, unless one of the following limitations is met:
1. Fiberglass boat manufacturing facilities shall use resins and/or gel coats that are equal to or less than the applicable weighted average monomer VOC content limit specified in Table 2105.86 and the non-monomer VOC limit shall not exceed 5 percent, by weight, of resin and/or gel coat.

- A. The weighted average monomer VOC content shall be calculated as follows:

$$\text{Weighted Average Monomer VOC Content} = \frac{\sum (M_i * \text{VOC}_i)}{\sum (M_i)}$$

Where:

$M_i$  = Mass of open molding resin or gel coat  $i$  used in the past 12 months in an operation in pounds (kg)

$\text{VOC}_i$  = Monomer VOC content, by weight percent, of open molding resin or gel coat  $i$  used in the past 12 months in an operation

- d. **Records.** A facility, regardless of the facility's annual emission rate, which uses fiberglass boat manufacturing materials, shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of:
1. The following parameters for each material either resin and/or gel as supplied:
- A. The name and identification number of each resin and/or gel;
- B. The volume used;
- C. The mass of materials used;
- D. The monomer VOC content, by weight percent, of resin or gel coat used;
- E. The non-monomer VOC content, by weight percent, of each resin or gel coat;

The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

- e. **Cleaning Material Standards.** The VOC content of cleaning solvents employed for routine application equipment cleaning shall contain a maximum of 5 percent VOC, by weight, or have a composite partial vapor pressure of no more than 0.50 mm Hg at sixty-eight degrees Fahrenheit. Only non-VOC solvents shall be used to remove cured resin and gel coat from application equipment.
- f. **Work Practice Standards.** All resin and gel coat mixing containers with a capacity equal to or greater than 208 liters (55 gallons), including those used for onsite mixing of putties and polyputties, have a cover with no visible gaps in place at all times. This work practice standard does not apply when material is being manually added to or removed from a container, or when mixing or pumping equipment is being placed in or removed from a container.
- g. **Measurements.** Measurements of the volatile fraction of resin and gels, used at fiberglass boat manufacturing facilities shall be performed according to the applicable procedures established by Part G of this Article.

**Table 2105.86**

**Monomer VOC Content Limitations for Open Molding Resin and Gel Coat Operations**

<u>Material</u>	<u>Application Method</u>	<u>Weight Average Monomer VOC Content Limit</u> <u>(weight percent)</u>
Production Resin	Atomized (spray)	28
Production Resin	Nonatomized	35
Pigmented Gel Coat	Any Method	33
Clear Gel Coat	Any Method	48
Tooling Resin	Atomized	30
Tooling Resin	Nonatomized	39
Tooling Gel Coat	Any Method	40

**§2105.87 CONTROL OF VOC EMISSIONS FROM UNCONVENTIONAL AND CONVENTIONAL OIL AND NATURAL GAS SOURCES** {Section added by amendment January 26, 2023, effective February 5, 2023.}

- a. **Incorporation by Reference.** Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulations for “Control of VOC Emissions from Unconventional Oil and Natural Gas Sources,” and for “Control of VOC Emissions from Conventional Oil and Natural Gas Sources,” promulgated under the Air Pollution Control Act at 25 Pa. Code §§ 129.121—129.130 and 25 Pa. Code §§ 129.131—129.140, respectively, which are hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §§ 129.121—129.140 and defined in 25 Pa. Code § 121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
- b. For purposes of this Section:
1. “Department” shall mean Department as defined under this Article;
  2. References in 25 Pa. Code § 129.127, § 129.130, § 129.137, and § 129.140, to the appropriate Department Regional Office” shall mean the Allegheny County Health Department;
  3. “Plan approval” shall mean Installation Permit; and
  4. References in 25 Pa. Code § 121.1, in the definition of “Responsible Official,” to Chapter 127 (relating to construction, modification, reactivation and operation of sources), or Chapter 129 (relating to standards for sources), shall mean Article XXI, Parts B and C, and Article XXI, Part E, respectively.

**SUBPART 8 - ADDITIONAL MISCELLANEOUS VOC SOURCES**

**§2105.88 CONSUMER PRODUCTS** {Section added March 23, 2012, effective April 3, 2012.}

- a. **Incorporation by Reference.** Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulation for Consumer Products promulgated under the Air Pollution Control Act at 25 Pa. Code §§130.201- 130.471 which are hereby incorporated by reference into this Article. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
1. For the purposes of 25 Pa. Code §130.391, *Required reporting of information to the Department*, “Department” shall mean Department as defined under this Article.
  2. For the purposes of 25 Pa. Code §130.392, *Confidentiality*, “Section 13.2 of the Air Pollution Control Act (25 P.S. §4013.2)” shall mean §2101.07.d.4 of this Article.
- b. **Variances.** Variances of compliance pursued under 25 Pa. Code §§130.201- 130.471 shall be submitted to and issued by the Pennsylvania Department of Environmental Protection.
-

## **SUBPART 9 - TRANSPORTATION RELATED SOURCES**

### **§2105.90 [Reserved]**

*{The contents of this section were deleted and the section marked as "[Reserved]" as amended February 10, 2022, effective February 20, 2022.}*

### **§2105.91 SCHOOL BUS IDLING** *{Section added by September 8, 2004 Amendment, effective October 10, 2004.}*

- a. **Applicability.** This Section applies to the operation of every heavy-duty diesel powered school bus.
- b. **General.**
  - 3. No school bus driver shall cause or allow the engine of any school bus subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.
  - 4. No school bus driver shall cause or allow the engine of a school bus subject to this section to be accelerated while idling, unless such action is taken in order to operate other equipment.
  - 5. A school bus driver shall not park or idle a bus within 100 feet from a known and active school air intake system, unless the school district has determined that alternative locations block traffic, impair student safety or are not cost effective.
- c. **Exemptions.** This section does not apply for the period or periods during which idling is necessary under the following circumstances:
  - 1. **Traffic Conditions.**
    - A. For traffic conditions over which the driver has no control;
    - B. For an official traffic control device or signal; or
    - C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.
  - 2. **Queuing at a School.** Where the physical configuration of a school requires a queue of buses for the sequential discharge or pickup of students, and the queue of buses is actively engaged in the discharge or pickup of students.
  - 3. **Turbo-Charged Diesel Engine Cool Down or Warm Up.** When the manufacturer's specifications require more time than the five minute limitation in §2105.91.b.1, above, to cool down or warm up a turbo-charged diesel engine.
  - 4. **Cold/Hot Weather.**
    - A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or
    - B. If the outside temperature is greater than 75°F and the bus is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.

5. **Safety and Emergencies.**

- A. To ascertain that the school bus is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;
- B. To operate the flashing signal lamps and/or stop signal arm devices;
- C. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements;
- D. To operate a heater or an air conditioner of a bus that has, or will have, one or more children aboard with temperature sensitive disabilities;
- E. To operate a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or
- F. Use of school bus as an emergency vehicle.

6. **Maintenance of Operations.**

- A. For testing, servicing, repairing, or diagnostic purposes; or
  - B. To recharge a battery or other energy storage unit of a hybrid electric bus.
- d. **Signage.** Each school bus distribution center shall erect and maintain in a conspicuous location, a permanent sign(s) that is at least 12 inches by 18 inches in size indicating:
- 1. This school bus idling regulation in succinct language, and
  - 2. The amount of money a violator will be fined.
- e. **Training.** A motor carrier of a school bus shall ensure that the school bus driver, upon employment and at least once per year thereafter, is informed of the requirements of this Section and of the consequences of not complying with those requirements.
- f. **Penalties.** Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:
- 1. A warning for the first offense;
  - 2. A penalty of \$100 for the second offense; or
  - 3. A penalty of \$500 for the third offense, and any subsequent offenses.
- g. **Enforcement.** Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- h. **Relationship to Other Law.** Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.

**§2105.92 DIESEL POWERED MOTOR VEHICLE IDLING**

*{This Section added by June 13, 2005 Amendment, effective June 23, 2005.}*

- a. **Applicability.** This Section applies to the operation of every heavy-duty diesel powered motor vehicle, except school buses.

b. **General.**

1. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.
2. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to be accelerated while idling, unless such action is taken in order to operate vehicle mounted accessory or service equipment.

c. **Exemptions.** This section does not apply for the period or periods during which idling is necessary for:

1. **Traffic Conditions.**

- A. For traffic conditions over which the driver has no control;
- B. For an official traffic control device or signal; or
- C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.

2. **Boarding and Discharging Passengers.**

- A. When vehicles intended for commercial passenger transportation are boarding or discharging passengers; or
- B. When vehicles intended for transporting people with disabilities are boarding or discharging passengers.

3. **Queuing.** When a vehicle, situated in a queue of other vehicles, must intermittently move forward to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and be impracticable.

4. **Turbo-Charged Diesel Engine Cool Down or Warm Up.** When the manufacturer's specifications require more time than the five minute limitation in §2105.92.b.1, above, to cool down or warm up a turbo-charged diesel engine.

5. **Cold/Hot Weather.**

- A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or
- B. If the outside temperature is greater than 75°F and a vehicle is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.
- C. Notwithstanding subparagraphs A and B, in order to supply heat or air conditioning necessary for the comfort of passengers, a vehicle intended for commercial passenger transportation may idle for up to 10 minutes prior to passenger boarding and anytime passengers are onboard.
- D. The Department may, upon request of an owner or manager of a bus terminal, approve alternate limits for warm-up of buses stored outdoors at the terminal when the temperature is below 40°F. Such plan shall include enforceable time limits that minimize bus idling.

6. **Sleeping.** When idling is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping and resting in a truck cab or sleeper berth.

7. **Safety and Emergencies.**

- A. To verify that the vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;
- B. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements; or
- C. Use of vehicle as an emergency vehicle.



8. **Operability and Maintenance.**
  - A. To provide power for vehicle mounted accessory or service equipment; or
  - B. When being operated by a mechanic for testing, servicing, repairing, or diagnostic purposes.
- d. **Penalties.** Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:
  1. A warning for the first offense;
  2. A penalty of \$100 for the second offense;
  3. A penalty of \$500 for the third offense, and any subsequent offenses.
- e. **Enforcement.** Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- f. **Relationship to Other Law.** Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.

### **§2105.93 IN-USE OFF-ROAD DIESEL POWERED MOBILE EQUIPMENT ENGINE IDLING** *{This Section added by April 16, 2010 Amendment, effective May 1, 2010.}*

- a. **Applicability.** This Section applies to any person or business that owns or operates any diesel-fueled off-road compression ignition vehicle engine with maximum power of 25 horsepower (hp) or greater that is used to provide motive power in any vehicle that:
  1. Is not designed to or cannot be registered and driven safely on-road; and
  2. Is not an implement of husbandry.

Vehicles with engines subject to this Section are used in construction, mining, rental, landscaping, recycling, landfilling, manufacturing, warehousing, composting, airport ground support equipment, industrial, and other operations. This Section does not apply to locomotives, commercial marine vessels, marine engines, recreational vehicles, or military equipment. This Section also does not apply to stationary or portable equipment, or equipment or vehicles used in agricultural operations, or equipment at ports or intermodal railyards. Off-road diesel vehicles owned and operated by an individual for personal, noncommercial purposes are exempt from the provisions of this Section.

- b. **General.**
  1. No vehicles or engines subject to this Section may idle for more than five consecutive minutes, except as permitted under Subsection c;
  2. Idling of a vehicle that is owned by a rental company is the responsibility of the renter or lessee; and
  3. Equipment subject to this Subsection must be located away from sensitive receptors, such as building fresh air intakes, to the extent possible.
- c. **Exemptions.** The idling limit does not apply to:
  1. Idling necessary to ensure the safe operation of the equipment, including idling to verify that the equipment is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily equipment inspection, or as otherwise needed.
  2. Idling required to bring the machine system to operating temperature;
  3. Idling for testing, servicing, repairing, or diagnostic purposes;

4. Engine operation necessary to accomplish work for which the equipment was designed (such as operating a crane);
  5. Idling necessary for the operator's physical well being while accomplishing such work;
  6. Idling when queuing, i.e., when an off-road vehicle, situated in a queue of other vehicles, must intermittently move forward to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and be impractical. This does not include the time an operator may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed; and
  7. Idling by any vehicle being used in an emergency or public safety capacity.
- d. **Waiver.** An equipment owner may apply to the Department for a waiver to allow additional idling beyond five minutes. The equipment owner must provide justification as to why such idling is necessary.
- e. **Signage.** At jobsites with posted workplace notices where ten or more pieces of equipment subject to this Section are used, or at any other location where ten or more pieces of such equipment are stored or operated, the owner of such equipment must prominently display signage informing equipment operators of the requirements of this Section and the penalties for non-compliance.
- f. **Penalties.** Notwithstanding the provisions of Part I, "Enforcement," of this Article, violations of this Section are subject to:
1. A penalty of \$100 for the first offense;
  2. A penalty of \$500 for the second offense, and any subsequent offenses.
- g. **Enforcement.**
1. Notwithstanding any other provisions of this Article, the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
  2. For the purpose of inspecting off-road equipment to determine compliance with these regulations, an inspector of the Department has the right to enter any facility where off-road equipment is located.
- h. **Relationship to Other Law.** Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.
-

## SUBPART 10 - NO<sub>x</sub> SOURCES

### **2105.100 NO<sub>x</sub> ALLOWANCE REQUIREMENTS** *{effective March 31, 1998}*

- a. **Purpose.** This Section requires compliance with the PaDEP NO<sub>x</sub> budget and NO<sub>x</sub> allowance trading program for NO<sub>x</sub> affected sources located in Allegheny County and subject to 25 Pa Code Sections 123.101 through 123.120 and Appendix A, for the purpose of achieving the health based ozone ambient air quality standard.
- b. **Initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations.**
  - 1. The sources located in Allegheny County and listed in Pa Title 25, Appendix A are subject to the requirements of this Section. These sources are allocated NO<sub>x</sub> allowances for the 1999-2002 NO<sub>x</sub> allowance control periods as listed in the Appendix. Except as provided in Pa Title 25, 123.120 (relating to audit), if no allocation is specified for the NO<sub>x</sub> allowance control periods beyond 2002, the current allocations continue indefinitely.
  - 2. Any source, even if not listed in Appendix A, but which are granted allowances by PaDEP pursuant to § 123, are subject to NO<sub>x</sub> Allowance Requirements of this Section.
- c. **Source NO<sub>x</sub> Allowance Requirements.** The owner or operator of each NO<sub>x</sub> affected source shall, no later than December 31 of each calendar year, hold a quantity of NO<sub>x</sub> allowances meeting the requirements of 25 Pa Code Section 123.110(A) in the source's current year NATS account that is equal to or greater than the total NO<sub>x</sub> emitted from that year's NO<sub>x</sub> allowance control period. The initial NO<sub>x</sub> allowance control period begins on May 1, 1999.
- d. **Source authorized account representative requirements.**
  - 1. The owner or operator of an NO<sub>x</sub> affected source shall submit to the Department for each source account the name of the authorized account representative and one alternate as submitted to PaDEP. Initial designations shall be submitted to the department 30 days after \_\_\_\_ (Editor's Note: The blank refers to the effective date 30 days after adoption of this proposal.) An authorized account representative may be replaced or, for a new NO<sub>x</sub> affected source, designated with the submittal of a new "Account Certificate of Representation."
  - 2. The "Account Certificate of Representation" shall be signed by the authorized account representative for the NO<sub>x</sub> affected source and contain, at a minimum, the following:
    - A. Identification of the NO<sub>x</sub> affected source by plant name, state and fossil fired indirect heat transfer combustion unit number for which the certification of representation is submitted.
    - B. The name, address, telephone and facsimile number of the authorized account representative and the alternate.
    - C. A list of owners and operators of the NO<sub>x</sub> affected source.
    - D. The verbatim statement, "I certify that I, (name) \_\_\_\_\_, was selected as the Authorized Account Representative by an agreement binding on the owners and operators of the NO<sub>x</sub> affected source legally designated as (name of facility) ".

e. **Source Compliance Requirements**

1. For each year, the Authorized Account Representative for the NOx affected source shall submit an annual compliance certification to the Department.
2. The compliance certification shall be submitted no later December 31st of each year.
3. The compliance certification shall contain, at a minimum, the following:
  - A. An identification of the NOx affected source, including the name, address, the name of the authorize account representative and the NATS account number.
  - B. A statement indicating whether or not emissions data has been submitted in accordance with 25 Pa Code 123.108.
  - C. A statement indicating whether or not the affected source held sufficient NOx allowances, as determined in 25 Pa Code 123.110 (a), in it's compliance account for the NOx allowance control period.
  - D. A statement indicating whether or not the monitoring plan which governs the NOx affected source was followed when monitoring the actual operation of the affected source.
  - E. A statement indicating that all emissions from the NOx affected source were accounted for, either through the applicable monitoring or through the application of the appropriate missing data procedures.
  - F. A statement indicating whether there were any changes in the method of operation of the NOx affected source or the method of monitoring of the NOx affected source during the current year.

f. **Reporting requirements.**

1. In addition to meeting the requirements of 25 Pa Code 123.109, the authorized account representative for each NOx affected source shall submit to the Department, electronically in a format which meets the requirements of the EPA's Electronic Data Reporting convention, emissions and operations information for each calendar quarter of each year.
2. In addition to meeting the requirements of 25 Pa Code 123.109, upon permanent shutdown, NOx affected sources may be exempted from the requirements of this Section after receiving written Department approval of a request filed by the authorized account representative for the NOx affected source which identifies the source and date of shutdown.

g. **NOx allowance transfer procedures.**

Within 30 days of an approved transfer by the PaDEP, the NOx affected source will report the following information to Allegheny County:

1. The account number identifying both the originating account and the acquiring account.
2. The name and address associated with the owners of the originating account and the acquiring account.
3. The identification of the serial numbers for each NOx allowance being transferred.
4. The designated amount of NOx allowances being transferred.

h. **Failure to meet source compliance requirements.**

1. Failure by the NOx affected source to hold in its compliance account, for any NOx allowance control period, as of the NOx allowance transfer deadline, sufficient NOx allowances equal to or exceeding actual emissions for the NOx allowance control period (May 1 through September 30) as specified under 25 Pa Code, Section 123.102 (relating to source allowance requirements and NOx allowance control period) shall result in a NOx allowance deduction from the NOx affected source's compliance account at the rate of 3 NOx allowances for every 1 ton of excess emissions. If sufficient allowances meeting the requirements of 25 Pa Code, Section 123.110(a) (relating to source compliance requirements) are not available, the source shall provide other sufficient allowances which shall be deducted prior to the beginning of the next NOx allowance control period, otherwise the source may not operate during subsequent control periods.
2. In addition to the NOx allowance deduction required by subsection 25 Pa Code 123.111(a), the Department may enforce the provisions of this Section and Section 2109, Enforcement and the Clean Air Act.
  - A. For purposes of determining the number of days of violation, any excess emissions for the NOx allowance control period shall presume that each day in the NOx allowance control period constitutes a day in violation (153 days) unless the NOx affected source can demonstrate, to the satisfaction of the Department, that a lesser number of days should be considered.
  - B. Each ton of excess emissions is a separate violation.

i. **New NOx affected source provisions.**

NOx allowances may not be created for new NOx affected sources. New NOx affected sources are sources which are not listed in 25 Pa Code Appendix A (relating to initial NOx allowance NOx allocations). The owner or operator of a new NOx affected source shall establish a compliance account with PaDEP prior to the commencement of operations and is responsible to acquire any required NOx allowances from those available in the NATS.

## **2105.101 CONTROL OF NOX EMISSIONS FROM GLASS MELTING FURNACES**

*{Section added March 23, 2012, effective April 3, 2012.}*

- a. **Incorporation by Reference.** Except as otherwise specifically provided under this Section, this Section shall be applied consistent with the provisions of the state regulation for *Control Of NOx Emissions From Glass Melting Furnaces* promulgated under the Air Pollution Control Act at 25 Pa. Code §§ 129.301 - 129.310 and the related definitions at 25 Pa. Code §121.1 which are hereby incorporated by reference into this Article. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.
- b. **Definitions.** Under the regulations incorporated by reference under this Section:
  1. "Department" shall mean Department as defined under this Article; and
  2. "Appropriate approved local air pollution control agency" shall mean Department as defined under this Article.
- c. **Compliance Determination.** For purposes of this Subsection:  
"Chapter 139, Subchapter C" shall mean "Part H §2108.03.c" of this Article.

## **SUBPART 11 – Shale Drilling**

### **2105.110 NOTIFICATION SYSTEM FOR UNCONVENTIONAL WELLS**

*{Section added December 27, 2013, effective January 7, 2014}*

- a. **Applicability.** This section applies to any natural gas drilling site characterized as an unconventional well, as defined in this Article, which utilizes hydraulic fracturing.
  - b. **Unconventional Well Activity Notification.**
    - 1. No person shall conduct, or allow to be conducted, the construction, installation, or operation of any unconventional well without first submitting to the Department written advance notice. Written notice, with the intended start date shall be submitted prior to each of the following activities:
      - A. Initial well site construction, including but not limited to: the creation of roads, the construction of impoundment ponds, the building of structures, and the installation of drilling and production equipment.
      - B. Drilling, where a well bore of any depth is drilled into, through, or below the surface of the earth.
      - C. Hydraulic fracturing, as defined in this Article.
      - D. Flaring or venting during well completion, except in emergency situations where immediate flaring is necessary for the safety of the site.
    - 2. The Department shall be notified of the intended start date for any of the activities listed at Paragraph b.1 no less than 24 hours prior. Should a change in date for any covered activity be necessary, the owner or operator shall notify ACHD of the revised date no less than 24 hours prior to the actual date.
  - c. **Reporting of Breakdowns.** In the event that any air pollution control equipment, process equipment, or other source of air contaminants breaks down in such manner as to have a substantial likelihood of causing the emission of air contaminants in violation of this Article, or of causing the emission into the open air of potentially toxic or hazardous materials, the person responsible for such equipment or source shall immediately, but in no event later than 2 hours after the commencement of the breakdown, notify the Department of such breakdown. Oral reporting of such breakdown shall follow Article XXI §2108.01.c.2 requirements.
  - d. **Violations.** Conducting any of the activities described in Paragraph b.1. above without first submitting notification to the Department as required before the actual start date of the intended activity, or the failure to report breakdowns as required in Subsection c, shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article.
-

## PART F - AIR POLLUTION EPISODES

### §2106.01 AIR POLLUTION EPISODE SYSTEM

- a. **General.** The purpose of this Part is to provide the Department with the authority to decrease the severity and duration of air pollution episodes by requiring staged reductions in the emission of air contaminants and general reductions in activities which place demands upon air pollution sources or which result in generation of air contaminants either directly or indirectly, in conjunction with air quality measurements and meteorological forecasts. The goal of these reductions is the avoidance of conditions which may result in significant harm to human health or welfare.
- b. **Other powers unaffected.** Nothing contained in this Part shall affect the power of the Department to issue an Emergency Order pursuant to §2109.05 of this Article, whether or not such emergency occurs during an air pollution episode, or any other order pursuant to Part I of this Article.

### §2106.02 AIR POLLUTION SOURCE CURTAILMENT PLANS

- a. Any person responsible for a source of air contaminants of the type set forth below shall, upon written request of the Department, submit a source curtailment plan, consistent with good industrial practice and safe operating procedures, designed to reduce emissions of air contaminants during air pollution episodes. Such plans shall meet the requirements of Subsection c below, and shall be consistent with any further guidance developed by the Department in the administration of this Part.
  1. Coal or oil-fired electric power generating sources.
  2. Coal or oil-fired steam generating sources.
  3. Manufacturing industries in the following classifications:
    - A. primary metals
    - B. secondary metals
    - C. metal fabricating
    - D. coke making
    - E. paper and allied products
    - F. chemical and allied products
    - G. petroleum refining and related industry
    - H. stone, glass, clay, and concrete products.
  4. Asphalt plants.
  5. Incinerators.
  6. Slag handling operations.
  7. Other sources designated by Department.
- b. Source curtailment plans required by Subsection a above shall be in writing and shall show the source of emissions, the approximate emissions rate and percentage of reductions to be achieved upon implementation, the time necessary after notification to implement the plan, and a brief description of the manner in which reductions will be achieved at the respective Stages or Levels of an air pollution episode.

- c. Source curtailment plans shall specify three phases of curtailment actions. These phases shall correspond to the respective Alert Stages or Localized Incident Levels, unless otherwise provided for in an individual source curtailment plan upon the approval of the Department. The goal of the first phase of curtailment shall be to provide for the reduction of emissions to the level required by the applicable emission limitations of this Article. Subject to the approval of the Department, plans may specify that the first phase emission reductions required of a non-complying source may instead be brought about by the curtailment of another source (or sources) under common control at the same site. The goal of the second phase of curtailment shall be to provide substantial reduction of emissions of air contaminants by ceasing, curtailing, deferring or postponing production and allied operations. The goal of the third phase of curtailment shall be to eliminate emissions of air contaminants by ceasing curtailing, deferring, or postponing production and allied operations. Curtailment shall be obtained without causing injury to persons or substantial damage to equipment.
- d. Source curtailment plans for incinerators shall specify what preparations have been made to handle and store, or otherwise dispose of, refuse without incineration.
- e. Source curtailment plans required by this Section shall be kept on the premises of the source affected and made available to any person authorized to enforce the provisions of this Article.
- f. If a submitted plan, as required by Subsection a, is not acceptable to the Department, it shall issue an order directing the responsible person to modify and resubmit the plan within 30 days after receiving notice. The order shall specify the reason or reasons for disapproval and shall specify the changes or additions necessary to make the plan acceptable to the Department. In the event that the person responsible for a source fails to resubmit a plan or fails to resubmit a plan in accordance with the changes or additions recommended by the Department, the Department, in addition to any other remedies available to it under this Article, shall have the authority to issue an order to that person detailing the procedures for that person to following during the various stages of an air pollution episode and which shall be considered the source curtailment plan for that source.
- g. Any person responsible for operation of a source for which a source curtailment plan has been submitted shall advise the Department in writing of any changes affecting the technical content or the implementation of the plan within 30 days of their occurrence. Such submittals shall be processed according to the procedures described in Subsection f above.
- h. The Department may, upon its determination that particular sources are adversely contributing to an air pollution episode, order such sources to implement the procedures of their source curtailment plans. Upon notification by the Department of the existence of an episode and the need to implement the source curtailment plan, the person responsible for the source affected shall immediately implement such plan. If an Air Pollution Episode or Localized Incident occurs during the period when a source curtailment plan is under review by the Department, such plan shall be implemented, provided, however, that if such plan is not acceptable to the Department, other curtailment action shall be taken as specified by the Department.

### **§2106.03 EPISODE CRITERIA**

- a. **County-wide Air Pollution Watch Declaration Criteria and Alert Declaration Criteria.**
  - 1. **County-wide Air Pollution Watch:** A County-wide Air Pollution Watch shall be declared by the Department when either of the following conditions has been met:
    - A. The Department has received a meteorological forecast that for the next 36-hour period or more a condition exists in which atmospheric dispersion parameters may lead to an air pollution episode throughout Allegheny County; or
    - B. The Department has received a meteorological forecast that for the past 12 hours a condition has existed in which atmospheric dispersion parameters may lead to an air



pollution episode throughout Allegheny County, and that this condition will continue for at least the next 24 hours.

2. **First Stage Alert:** The Department may declare a First Stage Alert to exist if, during a County-wide Watch period, any of the following values have been equaled or exceeded at any official monitoring station judged by the Department to be in acceptable working condition, and the Department has obtained a forecast that for the next 24 hours or more atmospheric dispersion parameters conducive to the poor dispersion of air contaminants will exist.

**The First Stage Alert values are:**

Sulfur Dioxide (SO <sub>2</sub> )	0.30 ppm, 24-hour average
PM-10	350 ug/m <sup>3</sup> , 24-hour average
Carbon Monoxide (CO)	15 ppm, 8-hour average
Nitrogen Dioxide (NO <sub>2</sub> )	either 0.6 ppm, 1-hour average, or 0.15 ppm, 24-hour average
Ozone	0.2 ppm, 1-hour average

3. **Second Stage Alert:** The Department shall declare a Second Stage Alert to exist if, during a County-wide Watch period, any of the following values have been equaled or exceeded at any official monitoring station judged by the Department to be in acceptable working condition, and the Department has obtained a forecast that for the next 12-hour period or more atmospheric dispersion parameters conducive to the poor dispersion of air contaminants will exist.

**The Second Stage Alert values are:**

Sulfur Dioxide (SO <sub>2</sub> )	0.60 PPM, 24-hour average
PM-10	420 ug/m <sup>3</sup> , 24-hour average
Carbon Monoxide (CO)	30 ppm, 8-hour average
Nitrogen Dioxide (NO <sub>2</sub> )	either 1.2 ppm, 1-hour average or 0.30 ppm, 24-hour average
Ozone	0.40 ppm, 1-hour average

4. **Third Stage Alert:** The Department shall declare a Third Stage Alert to exist if, during a County-wide Watch period, any of the following values have been equaled or exceeded at any official monitoring station judged by the Department to be in acceptable working condition, and the Department has obtained a forecast that for the next 12-hour period or more atmospheric dispersion parameter conducive to the poor dispersion of air contaminants will exist.

**The Third Stage Alert values are:**

Sulfur Dioxide (SO <sub>2</sub> )	0.80 ppm, 24-hour average
PM-10	500 ug/m <sup>3</sup> , 24-hour average
Carbon Monoxide (CO)	40 ppm, 8-hour average
Nitrogen Dioxide (NO <sub>2</sub> )	either 1.60 ppm, 1-hour average, or 0.40 ppm, 24-hour average
Ozone	0.60 ppm, 1-hour average

5. **Third Stage Alert (Ozone):** The Department may declare a Third Stage Alert to exist if, during a First or Second Stage ozone alert, the Department has obtained a forecast that within the next 36-hour period Third Stage ozone levels will be reached.

**b. Localized Air Pollution Watch Declaration Criteria and Localized Incident Declaration Criteria.**

1. **Localized Air Pollution Watch:** A Localized Air Pollution Watch shall be declared by the Department when either of the following conditions has been met:

- A. The Department has received a meteorological forecast that for the next 24-hour period atmospheric dispersion parameters will exist which are conducive to an air pollution episode only in a limited portion of Allegheny County; or
  - B. The Department has received a meteorological forecast that atmospheric dispersion parameters which are conducive to an air pollution episode only in a limited portion of Allegheny County have existed for 12 hours and will continue for at least the next 12 hours.
2. **First Level Localized Incident:** The Department may declare a First Level Localized Incident to exist if any of the following values have been equaled or exceeded at an official monitoring station where a Localized Watch is in effect, if the station is judged by the Department to be in acceptable working condition and is located in a specific portion of Allegheny County for which the Department has obtained a forecast that for the next 12 hours or more atmospheric dispersion parameters conducive to the poor dispersion of air contaminants will exist.

**The First Level Localized Incident values are:**

Sulfur Dioxide (SO <sub>2</sub> )	0.45 ppm, 24-hour average
PM-10	385 ug/m <sup>3</sup> , 24-hour average

3. **Second Level Localized Incident:** The Department may declare a Second Level Localized Incident to exist if any of the following values have been equaled or exceeded at an official monitoring station where a Localized Watch is in effect, if the station is judged by the Department to be in acceptable working condition and is located in a specific portion of Allegheny County for which the Department has obtained a forecast that for at least the next six hours atmospheric dispersion parameters conducive to the poor dispersion of air contaminants will exist.

**Second Level Localized Incident values are:**

Sulfur Dioxide (SO <sub>2</sub> )	0.70 ppm, 24-hour average
PM-10	460 ug/m <sup>3</sup> , 24-hour average

4. **Third Level Localized Incident:** The Department may declare a Third Level Localized Incident to exist if any of the following values have been equaled or exceeded at an official monitoring station where a Localized Watch is in effect, if the station is judged by the Department to be in acceptable working condition and is located in a specific portion of Allegheny County for which the Department has obtained a forecast that for at least the next six hours atmospheric dispersion parameters conducive to the poor dispersion of air contaminants will exist.

**Third Level Localized Incident values are:**

Sulfur Dioxide (SO <sub>2</sub> )	0.8 ppm, 24-hour average
PM-10	500 ug/m <sup>3</sup> , 24-hour average

c. **Termination Criteria**

1. The Department shall terminate any Alert or Localized incident when the respective Declaration Criteria no longer are exceeded or when a meteorological forecast is received that for the next 24-hour period conditions conducive to the good dispersion of air contaminants will exist. The latter criterion only will be used to terminate a Watch.

2. Upon the termination of any Alert or Localized Incident, the Department shall make a public announcement to that effect and shall also notify those persons who were required to implement source curtailment plans.
3. Upon the termination of a Second or Third Stage Alert, or a Second or Third Level Localized Incident, the Department shall prepare and make available to the Board of Health, the Advisory Committee and to the public a report on the severity and duration of the preceding air pollution episode and the nature and effectiveness of measures taken to control the episode.
- d. With respect to the criteria for PM-10 in 2106.03.a.2, a.3, a.4, b.2, b.3, and B.4, the Department may substitute a value based upon the average of all of the quantitative site-specific COH-PM-10 relationships in the County that are deemed reliable by the Department where, in its judgment, a reliable site-specific value has not been determined pursuant to Section 2106.03.d above.
- e. The site-specific relationship established for each air quality monitoring station shall be re-evaluated on a periodic basis.
- f. The site-specific relationships and the verifying data used to determine the criteria for PM-10 under Section 2106.03.d above shall be kept on file at the Department and shall be available for public inspection as provided in §2101.07 of this Article.

#### **§2106.04 EPISODE ACTIONS**

- a. **Air Pollution Watch Actions.** Upon declaration of an air pollution Watch:
  1. The Department shall review air quality information for the past 24-hour period, determine the current operational status of the air pollution monitoring network, and continue to compute all relevant air quality indices.
  2. The Department shall notify all sources of air pollution that require advance preparation time that a Watch has been declared and that within a short period of time air pollution emissions reductions may have to be effected.
  3. The Department shall notify all affected staff and affected Local, State, and Federal agencies that a Watch is in effect and that coordination of episode control actions may be required.
- b. **First Stage Alert Actions.** Upon declaration of a First Stage Alert:
  1. The Department shall determine which source curtailment plans should be placed in effect and in which area and notify those sources to institute First Stage Alert curtailment actions.
  2. The Department shall notify all affected Local, State, and Federal agencies that a First Stage Alert is in effect and that coordination of episode control actions may be required.
  3. The Department shall inform the public via the mass media that a First Stage Alert is in effect. The Public may be requested to curtail use of automobiles and electricity in the alert area and to otherwise take actions required by this Article. Individuals sensitive to high levels of air pollution shall be advised to take precautionary measures.
  4. All open burning of tree waste, vegetation, refuse, or debris of any form shall be prohibited in the alert area, notwithstanding any open burning permit which has been issued.
  5. Incinerators used for the disposal of solid or liquid waste in the alert area shall be permitted to operate only between the hours of 12:00 Noon and 4:00 P.M., unless otherwise provided for by individual source curtailment plans.

c. **Second Stage Alert Actions.** Upon the declaration of a Second Stage Alert:

1. The Department shall determine which source curtailment plans should be placed in effect and in which areas and notify those sources to institute Second Stage Alert curtailment actions.
2. The Department shall notify each Allegheny County Commissioner, each Board of Health Member, and all affected Local, State, and Federal agencies that a Second Stage Alert is in effect and that coordination of episode control actions may be required.
3. The Department shall inform the public via the mass media that a Second Stage Alert is in effect. The public shall be requested to curtail use of automobiles and electricity in the alert area and to otherwise take actions required by these regulations. Commercial establishments involved in retail trade, amusement and recreation, office buildings, and all other businesses and institutions shall be requested by the Department to voluntarily reduce their consumption of electricity and to minimize heating, cooling and ventilating of their buildings and offices. The Department shall advise those individuals deemed to be particularly sensitive to high levels of air pollution to take precautionary measures.
4. All open burning of tree waste, vegetation, refuse or debris, of any form shall be prohibited in the alert area, notwithstanding any open burning permit which has been issued.
5. Incinerators used for the disposal of solid or liquid wastes in the alert area shall not be operated with the exception of those used for the incineration of pathogenic materials for which written permission to operate has been obtained from the Department, or unless otherwise provided for by individual source curtailment plans.

d. **Third Stage Alert Actions.** Upon the declaration of a Third Stage Alert:

1. The Department shall notify each Allegheny County Commissioner, each Board of Health Member, and all affected Local, State, and Federal agencies that a Third Stage Alert is in effect and that coordination of episode control action is required.
2. The Department shall inform the public via mass media that a Third Stage Alert is in effect and the extent of the area affected. Those individuals deemed to be particularly sensitive to high levels of air pollution shall be advised to take appropriate precautionary measures. Hospitals shall be informed that a Third Stage Alert has been declared and that increased demand upon their facilities may be imminent. Public buildings, apartment houses, commercial facilities, air pollution sources permitted to operate during a Third Stage Alert, office buildings, and other buildings, offices and factories listed in the episode master plan shall be required to minimize heating, air conditioning, and ventilation.
3. Second Stage Alert prohibitions of open burning and incineration shall remain in effect during the Third Stage Alert.
4. The Department shall determine which source curtailment plans should be placed in effect and in which areas and notify those sources to institute Third Stage Alert curtailment actions.
5. The Department shall determine the likely extent of the area containing sources responsible for the exceedance of Third Stage levels. For that area, the Department shall determine which activities described hereafter, in addition to those with source curtailment plans, shall immediately be curtailed to the extent possible without causing injury to persons or substantial damage to equipment, and shall make appropriate public announcements to this effect.

A. Mining and quarrying.

- B. Construction work.
- C. Airplane flights into and out of the major airports within that area, with the exception of those required for public health or safety as approved by the Department.
- D. Other activities and places of business announced by the Chairman of the Board of County Commissioners.
- E. All places of employment described hereafter which are located in areas known to have significant concentrations of motor vehicle activity.
  - i. Manufacturing establishments.
  - ii. Places of business and public offices and institutions, with the exception of the following:
    - (a.) Retail food stores.
    - (b.) Health care facilities.
    - (c.) Pharmacies.
    - (d.) Government agencies, boards, authorities, courts, and other public or private offices whose services are needed to administer and enforce the Air Pollution Episode Program or have been determined by the Department to be vital to the public safety, health or welfare.
    - (e.) News media.
    - (f.) Others as approved by the Department.
- e. **Localized Incident Actions.** Upon the declaration of a Localized incident:
  1. The Department shall review air quality information for the past 24-hour period, determine the current operational status of the air pollution monitoring network, and continue to compute all relevant air quality indices.
  2. The Department shall notify all affected staff and affected Local, State, and Federal agencies that a Localized Incident is in effect and that coordination of episode control actions may be required. The Department shall notify each Allegheny County Commissioner and each Board of Health Member upon the declaration of a Second or Third Level Incident.
  3. The Department shall determine which source curtailment plans should be placed in effect and in which area and notify those sources to institute curtailment actions for the appropriate declared Localized Incident Level.
  4. The Department shall inform the public via the mass media that a Localized Incident is in effect. Individuals sensitive to high levels of air pollution shall be advised to take precautionary measures.

**§2106.05 USX CLAIRTON WORKS PM-10 SELF AUDIT EMERGENCY ACTION PLAN** *{effective August 15, 1997}*

- a. In addition to the requirements of 2106.02, the USX Corporation shall submit a PM-10 self audit emergency action plan (referred to in this Section as the Plan) for the Clairton Works, consistent with good industrial practice and safe operating procedures, designed to reduce emissions of air contaminants during high concentrations of particulate matter. This plan shall meet the requirements of Subsection c below, and shall be consistent with any further guidance developed by the Department in the administration of this Part.
- b. The Plan required by Subsection a above shall be in writing and shall specify the system of monitoring particulate matter, the size or sizes of particulate matter that are being monitored, at least three levels of alert stages, and the actions that will be taken by the USX Clairton Coke Works at each alert stage.
- c. The Plan shall specify at least three phases of actions. The Plan will identify the levels that activate these phases. The goal of the first phase of action shall be to provide for the assurance of proper operation of all units. The goal of the second phase of action shall be to provide reduction of emissions of air contaminants by modifying, ceasing, curtailing, deferring or postponing production and allied operations. The goal of the third phase of action shall be to provide substantial reduction to emissions of air contaminants by modifying, ceasing, curtailing, deferring, or postponing production and allied operations. Curtailment shall be obtained without causing injury to persons or substantial damage to equipment.
- d. The Plans required by this Section shall be kept on the premises of the source affected and made available to any person authorized to enforce the provisions of this Article.
- e. If the Plan, as required by Subsection a, is not acceptable to the Department, the Department shall issue an order directing the responsible person to modify and resubmit the plan within 30 days after receiving notice. The order shall specify the reason or reasons for disapproval and shall specify the changes or additions necessary to make the plan acceptable to the Department. In the event that the person responsible for a source fails to resubmit a plan or fails to resubmit a plan in accordance with the changes or additions recommended by the Department, the Department, in addition to any other remedies available to it under this Article, shall have the authority to issue an order to that person detailing the procedures for an early warning system and emergency plan.
- f. Any person responsible for operation of the source shall advise the Department in writing of any changes affecting the technical content or the implementation of the plan within 30 days of their occurrence. Such submittals shall be processed according to the procedures described in Subsection e above.
- g. USX Clairton Works shall implement the procedures of the Plan.

**§2106.06 MON VALLEY AIR POLLUTION EPISODE** *{September 25, 2021}*

- a. **Applicability.** This section applies to the following sources located in one or more of the municipalities identified in Subsection d:
  - 1. All major and synthetic minor sources of PM<sub>2.5</sub>;
  - 2. All sources that have combined allowable emissions from all emission units of 6.5 tons or more per year of PM<sub>2.5</sub>; and
  - 3. All sources that have combined allowable emissions from all emission units of 10 tons or more per year of PM<sub>10</sub>.
- b. **Air Quality Forecast.** For purposes of this Section, the Department shall rely on the air quality forecast provided by the Pennsylvania Department of Environmental Protection for determining Mon Valley Air Pollution Episodes. The Director of the Allegheny County Health Department may approve a change in the air quality forecast provider or methodology. The Department shall post on its Air Quality Program website any changes to the air quality forecast provider or methodology.
- c. **Mon Valley Air Pollution Episodes.** For purposes of this Section, the “Mon Valley PM<sub>2.5</sub> threshold level” shall be the value of the primary 24-hour PM<sub>2.5</sub> NAAQS.
  - 1. **Mon Valley Air Pollution Watch.** The Department shall issue a Mon Valley Air Pollution Watch if the Department has determined from an air quality forecast that for at least the next 24-hour period atmospheric conditions will exist which indicate that the 24-hour average ambient concentration of PM<sub>2.5</sub> in one or more of the municipalities identified in Subsection d is forecasted to exceed the Mon Valley PM<sub>2.5</sub> threshold level.
  - 2. **Mon Valley Air Pollution Warning.** The Department shall issue a Mon Valley Air Pollution Warning if during a rolling 24-hour averaging period, the Mon Valley PM<sub>2.5</sub> threshold level is exceeded at an official monitoring station in the municipalities identified in Subsection d and the Department has determined atmospheric conditions will continue as described in Paragraph c.1.
- d. **Mon Valley Air Pollution Episode Area.** This Section shall apply to the following municipalities: City of Clairton, City of Duquesne, City of McKeesport, Borough of Braddock, Borough of Braddock Hills, Borough of Chalfant, Borough of Dravosburg, Borough of East McKeesport, Borough of East Pittsburgh, Borough of Elizabeth, Borough of Forest Hills, Borough of Glassport, Borough of Jefferson Hills, Borough of Liberty, Borough of Lincoln, Borough of Munhall, Borough of North Braddock, Borough of Port Vue, Borough of Rankin, Borough of Swissvale, Borough of Turtle Creek, Borough of Versailles, Borough of Wall, Borough of West Elizabeth, Borough of West Mifflin, Borough of White Oak, Borough of Wilmerding, Borough of Whitaker, Elizabeth Township, Forward Township, North Versailles Township, and Wilkins Township.

- e. **Mon Valley Air Pollution Mitigation Plan.** In addition to any applicable plan requirements under Sections 2106.02 and 2106.05, all sources subject to this Section shall submit to the Department according to the schedule provided in Subsection f, a Mon Valley Air Pollution Mitigation Plan (referred to in this Section as “Plan”) with the following two phases:
1. **Mon Valley Air Pollution Watch Phase:** A Mon Valley Air Pollution Watch Phase shall include procedures to ensure the source is operating in a manner consistent with good engineering practice and all air pollution control equipment is maintained in good working condition. The Mon Valley Air Pollution Watch Phase shall include procedures for record keeping and reporting to the Department the actions taken during the Mon Valley Air Pollution Watch period. The Mon Valley Air Pollution Watch Phase shall also include procedures to ensure that the source has sufficient staff and resources available to implement the Mon Valley Air Pollution Warning Phase within 24 hours of the Department’s notification to the source of a Mon Valley Air Pollution Watch.
  2. **Mon Valley Air Pollution Warning Phase:** A Mon Valley Air Pollution Warning Phase shall include measures to reduce PM<sub>2.5</sub> and PM<sub>10</sub> emissions to minimize the impact on public health, safety, or welfare, the timeframe for implementing each measure, and an estimate of the PM<sub>2.5</sub> and PM<sub>10</sub> emissions reductions during a 24-hour period for each measure. The Mon Valley Air Pollution Warning Phase shall include the procedures identified in the Mon Valley Air Pollution Watch Phase and procedures for record keeping and reporting to the Department the actions taken during the Mon Valley Air Pollution Warning period. The measures to reduce PM<sub>2.5</sub> and PM<sub>10</sub> emissions may include, but are not limited to, the following:
    - A. Reduce transportation activity;
    - B. Switch or decrease fuel use as allowed by the facility’s permit issued under this Article;
    - C. Delay nonessential activities that may cause emissions;
    - D. Modify work or other practices; and
    - E. Reduce, modify, cease, curtail, defer or postpone production and allied operations.
- f. **Dates for Submission of Mon Valley Air Pollution Mitigation Plan.** Sources subject to this Section shall submit the Mon Valley Air Pollution Mitigation Plan according to the following schedule:
1. Existing sources shall submit to the Department the Plan within 90 days after the effective date of this Section.
  2. Sources that startup after the effective date of this Section shall submit to the Department the Plan within 90 days after initial startup of the source.
  3. Existing sources that become subject to this Section after the effective date of this Section shall submit to the Department the Plan within 90 days after the source becomes subject to this Section.
  4. Any person responsible for operation of the source shall advise the Department in writing of any change affecting the technical content or the implementation of the Plan no more than 30 days following the change. Such submittals shall be reviewed and implemented according to the procedures described in Subsection g below.



g. **Procedure for Review and Effective Date of the Mon Valley Air Pollution Mitigation Plans.**

1. The Mon Valley Air Pollution Mitigation Plan shall be effective upon submission to the Department.
2. If the Mon Valley Air Pollution Mitigation Plan is not acceptable to the Department, the Department shall issue an order directing the responsible person to modify and resubmit the Plan within thirty (30) days after receiving notice. The order shall specify the reason or reasons for disapproval and shall specify the changes or additions necessary to make the Plan acceptable to the Department. The Plan submitted for review to the Department under Paragraph g.1 shall continue to be effective until a modified Plan has been submitted. The modified Plan shall be effective upon submission to the Department.
3. When determining whether the Mon Valley Air Pollution Mitigation Plan is acceptable, the Department may consider the following factors:
  - a. The feasibility of implementing the Mon Valley Air Pollution Warning Phase within 24 hours of the Department's notification to the source of a Mon Valley Air Pollution Watch;
  - b. Whether the measures to decrease PM<sub>2.5</sub> and PM<sub>10</sub> emissions can reasonably improve public health, safety, or welfare; and
  - c. Whether the estimated reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions is proportionate to the source's contribution to emissions in any of the municipalities identified in Subsection d.
4. In the event that a source fails to submit the Mon Valley Air Pollution Mitigation Plan according to the schedule provided in Subsection f, fails to resubmit the Plan, or fails to resubmit the Plan in accordance with the changes or additions specified by the Department, the Department, in addition to any other remedies available to it under this Article, shall have the authority to issue an order to that person detailing the procedures for a Mon Valley Air Pollution Watch or Warning Phase.

h. **Notification of Mon Valley Air Pollution Episodes.** When a Mon Valley Air Pollution Watch or Warning is issued, the Department shall make the following notifications:

1. The Department shall notify all sources subject to this Section that they are required to implement the procedures and measures identified in either the Mon Valley Air Pollution Watch or Warning Phase.
2. The Department shall notify all municipalities identified in Subsection d, and any other municipality that requests to be notified, that a Mon Valley Air Pollution Watch or Warning is in effect.
3. The Department shall issue an advisory on its Air Quality Program website and notify various media that a Mon Valley Air Pollution Watch or Warning is in effect.

i. **Termination of Mon Valley Air Pollution Episodes.**

1. The Department shall terminate any Mon Valley Air Pollution Watch or Warning when the conditions in Paragraphs c.1 and c.2 no longer exist.

2. The Department shall issue a notification to all person(s) identified under Subsection h when the ACHD has determined that a Mon Valley Air Pollution Watch or Warning is no longer in effect.
  - j. **Other powers unaffected.** Nothing contained in this Section shall affect the power of the Department to issue an Emergency Order pursuant to §2109.05 of this Article, whether or not such emergency occurs during a Mon Valley Air Pollution episode.
-

## PART G - METHODS

### §2107.01 GENERAL

*{Effective February 1, 1994; amended effective October 20, 1995. Amended October 26, 2022, effective November 5, 2022.}*

- a. The methods and procedures used to determine compliance with the emission standards and source standards established by this Article shall be equivalent to those specified in the Allegheny County Source Testing Manual including future revisions as made under Subsection d below. For purposes of determining compliance with NSPS's, NESHAP's, MACT's, and all other state and federal standards incorporated by reference into this Article, the methods and procedures specified in the applicable standard shall be used, or where no such methods and/or procedures are specified, methods and/or procedures approved by the Department shall be used.
- b. All sampling and analytical procedures promulgated by the Administrator under the Clean Air Act and by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act as set forth, or referenced, in 25 Pa. Code Chapter 139 Subchapter A, are hereby incorporated, by reference, as part of the methods and procedures established by this Part. Additions, revisions, and deletions to such procedures adopted by the EPA and the DEP are incorporated into this Article and are effective on the date established by the Federal regulations, unless otherwise established by regulation under this Article.
- c. The Allegheny County Source Testing Manual shall be open to public inspection during business hours at the headquarters of the Division of Air Quality and available on the Department's Air Quality Program website. In addition, any person shall, upon request and upon payment of the reasonable costs of furnishing such material, be furnished with copies of the Manual or parts thereof.
- d. **Revisions to the Source Testing Manual.** The Department shall follow the following procedures to update and revise the "Source Testing Manual:"
  1. The Department will provide notice of proposed revisions to the Source Testing Manual by posting the public notice and the proposed revisions on the Department's Air Quality Program website for the duration of the public comment period. The notice will describe the proposed revisions. The Department will also provide notice using e-mail or regular U.S. postal service mailing to persons on a mailing list developed by the Department.
  2. The Department will provide an opportunity for comments on the proposed revisions. The comment period will be at least 30 days from the date of the posting of the notice required by Paragraph 1 above.
  3. After the public comment period, the Department will evaluate the comments and finalize the changes to the Source Testing Manual.
  4. The revisions to the Source Testing Manual shall be approved by the Director of the Allegheny County Health Department.
  5. The Department will provide notice of the revisions to the Source Testing Manual on the Department's Air Quality Program website. The notice will describe the revisions and provide the name, address and telephone number of the person from whom a written copy of the revised manual can be obtained.
  6. A person proposing a test method and/or procedure other than those specified by the Source Testing Manual shall submit a written application, subject to Department approval, setting forth all necessary information. Such methods and/or procedures shall be consistent with accepted air

pollution testing practices and shall obtain accurate results which are representative of the condition evaluated.

7. A person proposing test methods, procedures and guidance for the reporting of emissions different from those contained in the Source Testing Manual shall have the burden of proof to demonstrate that test methods, procedures and guidance accurately characterize the emissions from the source.

**§2107.02 to §2107.16 {RESERVED}** *{Amended October 26, 2022, effective November 5, 2022.}*

**§2107.20 AMBIENT MEASUREMENTS**

*{Subsection a amended October 26, 2022, effective November 5, 2022.}*

The following methods shall be used to determine concentrations in the ambient air of the air contaminants listed below:

- a. **{RESERVED}**
- b. **Beryllium** - "Air Pollution Measurements of the National Air Sampling Network: Analysis of Suspended Particulates in 1957 - 1961", Public Health Service Pub. No. 978, Washington, D.C., 1962.
- c. **Carbon Monoxide** - "Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Spectrometry)", United States Environmental Protection Agency pursuant to "Ambient Air Monitoring Reference and Equivalent Methods", 40 CFR 53.
- d. **Fluorides** - "Standard Method of Test for Inorganic Fluoride in the Atmosphere", ASTM Standards on Methods of Atmospheric Sampling and Analysis, Philadelphia, PA 1962, p.67.
- e. **Hydrocarbons** - "Reference Method for Determination of Hydrocarbons Corrected for Methane", United States Environmental Protection Agency, 40 CFR 50 Appendix E, or equivalent methods, if any, certified by the EPA pursuant to "Ambient Air Monitoring Reference and Equivalent Methods", 40 CFR 53.
- f. **Hydrogen Sulfide** - Jacobs, M.D., et al., "Ultramicrodetermination of Sulfides in the Air", Anal. Chem., 29:1349 (1957).
- g. **Lead** - "Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air", United States Environmental Protection Agency, 40 CFR 50 Appendix G, or equivalent methods, if any, certified by the EPA pursuant to "Ambient Air Monitoring Reference and Equivalent Methods", 40 CFR 53.
- h. **Nitrogen Oxides** - "Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)", United States Environmental Protection Agency, 40 CFR 50, Appendix F, or equivalent methods, if any, certified by the EPA pursuant to "Ambient Air Monitoring Reference and Equivalent Methods", 40 CFR 53.
- i. **Ozone** - "Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere", United States Environmental Protection Agency, 40 CFR 50 Appendix D, or equivalent methods, if any, certified by the EPA pursuant to "Ambient Air Monitoring Reference and Equivalent Methods", 40 CFR 53.
- j. **PM-10** - "Reference Method for the Determination of Particulate Matter as PM-10 in the Atmosphere," United States Environmental Protection Agency, 40 CFR 50, Appendix J, or equivalent methods, if any, certified by the EPA pursuant to "Ambient Air Monitoring Reference and Equivalent Methods," 40 CFR 53.

- k. **Settled Particulates** - "Recommended Standard Method for Continuing Dust Fall Survey (APM- 1 Revision 1)," TR-2 Air Pollution Measurements Committee, J. Air. Poll. Control Assoc., 16:372 (1966).
- l. **Sulfates:**
  - 1. Sampling Method - "Air Pollution Measurements of the National Air Sampling Network: Analysis of Suspended Particulates 1957 - 1961", Public Health Service Pub. 978, Washington, D.C. 1962.
  - 2. Analytical Method - Interbranch Chemical Advisory Committee, "Selected Methods for the Measurement of Air Pollutants", PHS Pub. No. 999-AP-11, Cincinnati, Ohio, 1965, p.I.1.
- m. **Sulfur Oxides** - "Reference Method for the Determination of Suspended Particulates in the Atmosphere (Pararosaniline Method)", United States Environmental Protection Agency, 40 CFR 50 Appendix A, or equivalent methods, if any, certified by the EPA pursuant to "Ambient Air Monitoring Reference and Equivalent Methods", 40 CFR 53.
- n. **Suspended Particulate Matter** - "Reference Method for the Determination of Suspended Particulates in the Atmosphere (High Volume Method)", United States Environmental Protection Agency, 40 CFR 50, Appendix B, or equivalent methods, if any, certified by the EPA pursuant to "Ambient Air Monitoring Reference and Equivalent Method", 40 CFR 53.

{THIS PAGE INTENTIONALLY LEFT BLANK}

## PART H - REPORTING, TESTING, & MONITORING

### §2108.01 REPORTS REQUIRED

*{Subsection e amended May 8, 2015, effective June 19, 2015.}*

- a. **Termination of Operation.** In the event that operation of any source of air contaminants is permanently terminated, the person responsible for such source shall so report, in writing, to the Department within 60 days of such termination.
- b. **Shutdown of Control Equipment.**
  1. In the event any air pollution control equipment is shut down for reasons other than a breakdown, the person responsible for such equipment shall report, in writing, to the Department the intent to shut down such equipment at least 24 hours prior to the planned shutdown. Notwithstanding the submission of such report, the equipment shall not be shut down until the approval of the Department is obtained; provided, however, that no such report shall be required if the source(s) served by such air pollution control equipment is also shut down at all times that such equipment is shut down.
  2. The Department shall act on all requested shutdowns as promptly as possible. If the Department does not take action on such request within ten (10) calendar days of receipt of the notice required by this Section, the request shall be deemed denied, and upon request, the owner or operator of the affected source shall have a right to appeal in accordance with the provisions of Article XI.
  3. The prior report required by this Subsection shall include:
    - A. Identification of the specific equipment to be shut down, its location and permit number (if permitted), together with an identification of the source(s) affected;
    - B. The reasons for the shutdown;
    - C. The expected length of time that the equipment will be out of service;
    - D. Identification of the nature and quantity of emissions likely to occur during the shutdown;
    - E. Measures, including extra labor and equipment, which will be taken to minimize the length of the shutdown, the amount of air contaminants emitted, or the ambient effects of the emissions;
    - F. Measures which will be taken to shut down or curtail the affected source(s) or the reasons why it is impossible or impracticable to shut down or curtail the affected source(s) during the shutdown; and
    - G. Such other information as may be required by the Department.
- c. **Breakdowns.**
  1. In the event that any air pollution control equipment, process equipment, or other source of air contaminants breaks down in such manner as to have a substantial likelihood of causing the emission of air contaminants in violation of this Article, or of causing the emission into the open air of potentially toxic or hazardous materials, the person responsible for such equipment or source shall immediately, but in no event later than 60 minutes after the commencement of the breakdown, notify the Department of such breakdown and shall, as expeditiously as possible but in no event later than seven (7) days after the original notification, provide written notice to the Department.

2. To the maximum extent possible, all oral and written notices required by this Subsection shall include all pertinent facts, including:
    - A. Identification of the specific equipment which has broken down, its location and permit number (if permitted), together with an identification of all related devices, equipment, and other sources which will be affected.
    - B. The nature and probable cause of the breakdown.
    - C. The expected length of time that the equipment will be inoperable or that the emissions will continue.
    - D. Identification of the specific material(s) which are being, or are likely to be, emitted, together with a statement concerning its toxic qualities, including its qualities as an irritant, and its potential for causing illness, disability, or mortality.
    - E. The estimated quantity of each material being, or likely to be, emitted.
    - F. Measures, including extra labor and equipment, taken or to be taken to minimize the length of the breakdown, the amount of air contaminants emitted, or the ambient effects of the emissions, together with an implementation schedule.
    - G. Measures being taken to shut down or curtail the affected source(s) or the reasons why it is impossible or impractical to shut down the source(s), or any part thereof, during the breakdown.
  3. Notices required by this Subsection shall be updated, in writing, as needed to advise the Department of changes in the information contained therein. In addition, any changes concerning potentially toxic or hazardous emissions shall be reported immediately. All additional information requested by the Department shall be submitted as expeditiously as practicable.
  4. Unless otherwise directed by the Department, the Department shall be notified when the condition causing the breakdown is corrected or the equipment or other source is placed back in operation by no later than 9 AM on the next County business day. Within seven (7) days thereafter, written notice shall be submitted pursuant to Paragraphs 1 and 2 above.
  5. This Subsection shall not apply to breakdowns of air pollution control equipment which occur during the initial startup of said equipment, provided that emissions resulting from the breakdown are of the same nature and quantity as the emissions occurring prior to startup of the air pollution control equipment.
  6. In no case shall the reporting of a breakdown prevent prosecution for any violation of this Article.
- d. **Cold Start.** In the event of a cold start on any fuel-burning or combustion equipment, except stationary internal combustion engines and combustion turbines used by utilities to meet peak load demands, the person responsible for such equipment shall report in writing to the Department the intent to perform such cold start at least 24 hours prior to the planned cold start. Such report shall identify the equipment and fuel(s) involved and shall include the expected time and duration of the startup. Upon written application from the person responsible for fuel-burning or combustion equipment which is routinely used to meet peak load demands and which is shown by experience not to be excessively emissive during a cold start, the Department may waive the requirements of this Subsection and may instead require periodic reports listing all cold starts which occurred during the report period. The Department shall make such waiver in writing, specifying such terms and conditions as are appropriate to achieve the purposes of this Article. Such waiver may be terminated by the Department at any time by written notice to the applicant.



e. **Emissions Inventory Statements**

1. The owner or operator of each source, or group of sources, on contiguous or adjacent property, in the County that:
  - A. Has the potential to emit a total of 10 or more tons of any hazardous air pollutant;
  - B. Has the potential to emit a total of 25 or more tons of the sum of all hazardous air pollutants;
  - C. Has the potential to emit a total of 25 or more tons of any other pollutant regulated under this Article, except for greenhouse gases;
  - D. Has actual emissions of 10 tons or more per calendar year of any pollutant addressed in this Paragraph; or
  - E. Emits or has the potential to emit at or above 80% of the major source threshold,shall, unless exempted by Paragraph 2, submit to the Department an electronic emissions inventory statement, in accordance with Paragraphs 3 and 4 of this Subsection, showing the actual emissions of all air pollutants addressed in this Paragraph from such source(s) during each calendar year and all supporting and identifying information deemed necessary by the Department.
2. The Department may issue a letter to a source exempting the source from the requirement to submit an electronic emissions inventory statement for one or more years. This exemption will be based on, but not limited to, confirmed actual emissions or emission source types. Exemptions can be reevaluated and extended or revoked by the Department at any time.
3. The emissions statements required by Paragraph 1 of this Subsection shall be in such form as the Department may prescribe and that is acceptable to the EPA. The emissions statement shall fully identify all emissions and include, at a minimum:
  - A. A detailed description of how the annual emissions were measured, derived, or calculated;
  - B. The nature and amounts of all emissions of air pollutants addressed in Paragraph 1 of this Subsection emitted from each emissions unit, including all fugitive emissions in the same manner as stack emissions;
  - C. A detailed identification and description of all points of emissions including the specific geographical location and elevation of each emissions point;
  - D. Actual emissions rates in tons per year (tpy);
  - E. Types and amounts of fuels used, types and amounts of raw materials used, production rates, and operating schedules to the extent it is needed to determine annual emissions and emissions on whatever basis (e.g. daily or hourly) is required to determine compliance;
  - F. Other identifying information required by the Department, including information related to stack heights and all other emission characteristics including all stack or emission point parameters such as size, exit velocity, flow rate, concentration, and temperature;
  - G. Calculations and methodologies, including any underlying assumptions, on which the information in subparagraphs A through F of this Paragraph is based in the format required by the Department; and

- H. A certification by the owner or operator, or an authorized representative, that the information contained in the statement is accurate and complete. For any submittal on behalf of a corporate owner or operator, the authorized representative must be either the company president, a plant manager, or such other representative as is approved in advance by the Department.
- 4. The emission statements required by Paragraphs 1 and 3 of this Subsection shall be submitted to the Department by March 15 of each year for the preceding calendar year. If the Department requests a revision to a source's emissions inventory statement, the revised emissions inventory statement shall be submitted within 15 business days of receipt of the Department's request. A deadline may be extended on an individual basis as deemed necessary by the Department. The Department may require more frequent submittals if the Department determines that more frequent submissions are required by the EPA or that analysis of the data on a more frequent basis is necessary to implement the requirements of this Article or the Clean Air Act.
- f. **Orders.** In addition to meeting the requirements of Subsections a through e above, inclusive, the person responsible for any source shall, upon order by the Department, report to the Department such information as the Department may require in order to assess the actual and potential contribution of the source to air quality. The order shall specify a reasonable time in which to make such a report.
- g. **Violations.** The failure to submit any report or update thereof required by this Section within the time specified, the knowing submission of false information, or the willful failure to submit a complete report shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article.

## §2108.02 EMISSIONS TESTING

*{Subsection g added September 6, 1995, effective October 20, 1995. Subsection e amended October 26, 2022, effective November 5, 2022.}*

- a. **New and Modified Sources.** No later than 60 days after achieving full production or 120 days after startup, whichever is earlier, the person responsible for any new, modified, reconstructed or reactivated source for which a permit is required by Part B of this Article shall conduct, or cause to be conducted, such emissions tests as are specified by the Department to demonstrate compliance with all applicable requirements of this Article and shall submit the results of such tests to the Department in writing. Upon written application setting forth all information necessary to evaluate the application, the Department may, for good cause shown, extend the time for conducting such tests beyond 120 days after startup, but shall not extend the time beyond 60 days after achieving full production. Additional tests shall be conducted at such intervals as are specified in any applicable permit condition, order, or as required by any other Section of this Article. Emissions testing conducted pursuant to this Subsection shall comply with all applicable requirements of Subsection e below.
- b. **Existing Sources.** On or before December 31, 1981, and at two-year intervals thereafter, any person who operates, or allows to be operated, any piece of equipment or process which has an allowable emission rate, as defined in §2101.20 of this Article, of 100 or more tons per year of particulate matter, sulfur oxides or volatile organic compounds shall conduct, or cause to be conducted, for such equipment or process such emissions tests as are necessary to demonstrate compliance with the applicable emission limitation(s) of this Article and shall submit the results of such tests to the Department in writing. Emissions testing conducted pursuant to this Subsection shall comply with all applicable requirements of Subsection e below.
- c. **Orders.** In addition to meeting the requirements of Subsections a and b above, the person responsible for any source shall, upon order by the Department, conduct, or cause to be conducted, such emissions tests as specified by the Department within such reasonable time as is specified by the Department. Test results shall be submitted in writing to the Department within 20 days after completion of the tests, unless a different period is specified in the Department's order. Emissions testing conducted pursuant to this Subsection shall comply with all applicable requirements of Subsection e below.

- d. **Tests by the Department.** Notwithstanding any tests conducted pursuant to Subsection a through c above, inclusive, the Department or another entity designated by the Department may conduct emissions testing on any source or air pollution control equipment. At the request of the Department, the person responsible for such source or equipment shall provide adequate sampling ports, safe sampling platforms and adequate utilities for the performance of such tests.
- e. **Testing Requirements.**
1. No later than 45 days prior to conducting any tests required by this Section, the person responsible for the affected source shall submit for the Department's approval a written test protocol explaining the intended testing plan, including any deviations from standard testing procedures, the proposed operating conditions of the source during the test, calibration data for specific test equipment and a demonstration that the tests will be conducted under the direct supervision of persons qualified by training and experience satisfactory to the Department to conduct such tests. In addition, at least 30 days prior to conducting such tests, the person responsible shall notify the Department in writing of the time(s) and date(s) on which the tests will be conducted and shall allow Department personnel to observe such tests, record data, provide pre-weighed filters, analyze samples in a County laboratory and to take samples for independent analysis. Test results shall be comprehensively and accurately reported in the units of measurement specified by the applicable emission limitations of this Article.
  2. Test methods and procedures shall conform to the applicable reference method and/or procedure established by Part G of this Article, or where those methods and/or procedures are not applicable, to an alternative sampling and testing procedure approved by the Department consistent with the following:
    - A. **General.** All tests shall be conducted while the source is operating at maximum routine operating conditions or under such other conditions as are specified by the Department. Test results shall include sufficient information to verify the conditions existing at the time of the test and the manner in which the test was conducted, including at a minimum:
      - i. A thorough description of the source, any air pollution control equipment and the flue;
      - ii. Source operating conditions during the test, such as the charging rate of raw materials, production rate, combustion rate, boiler pressure, oven temperature, or any other conditions which may affect emissions;
      - iii. The location of the sampling ports;
      - iv. Emission characteristics, including velocity, temperature, moisture content, density, and gas composition (expressed as percent CO, CO<sub>2</sub>, N<sub>2</sub> and the like) and static and barometric pressures at pertinent points in the system;
      - v. Sample collection techniques used, including procedures, equipment descriptions, data to verify that isokinetic sampling techniques were used where applicable, and data to verify that test conditions are acceptable under this Article;
      - vi. Laboratory procedures and results; and,
      - vii. Calculated results.
    - B. **Fugitive Particulate Matter.** Test methods and procedures for fugitive particulate matter may include ambient test procedures approved by the Department which are in

accordance with, or equivalent to, the test procedures established by Part G of this Article.

- C. **Other Air Contaminants.** Test methods and procedures for air contaminants other than those for which a test method and/or a test procedure is established by Part G of this Article shall be consistent with accepted air pollution testing practices and with obtaining accurate results which are representative of the conditions evaluated. Such methods and procedures shall be clearly described in the report of test results.
- f. **Violations.** The failure to perform tests as required by this Section or an order of the Department issued pursuant to this Section, the failure to submit test results within the time specified, the knowing submission of false information, the willful failure to submit complete results, or the refusal to allow the Department, upon presentation of a search warrant, to conduct tests, shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article.
- g. Except as specifically otherwise provided under this Article, regulations promulgated by the Pa. Environmental Quality Board and Dept. of Environmental Protection (DEP) under the Pa. Air Pollution Control Act as set forth, or referenced, in 25 Pa. Code Chapter 139 Subchapters B & C, are hereby incorporated, by reference, as part of this Article. Additions, revisions, and deletions to such regulations adopted by 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.

### **§2108.03 CONTINUOUS EMISSION MONITORING**

*{Paragraph b.2 & Subsections d, e, & f amended September 6, 1995, effective October 20, 1995; Subsection f amended February 12, 2007, effective April 1, 2007.}*

- a. **Fossil Fuel-Fired Steam Generators.** The owner or operator of each fossil fuel-fired steam generator which has a rated capacity greater than 250 million BTU's per hour heat input and which has an annual average capacity factor of greater than 30% shall operate such continuous monitoring instruments as are required by 40 Code of Federal Regulations Part 51, Appendix P, and shall comply with such maintenance, calibration, quality assurance and reporting requirements as are specified therein.
- b. **Nitrogen Compound Emissions.**
  - 1. This Subsection applies to fuel-burning or combustion equipment with a rated heat input of 250 million BTUs per hour or greater and with an annual average capacity factor of greater than 30%.
  - 2. Sources subject to this Subsection shall install, operate, and maintain continuous nitrogen oxides monitoring systems and other monitoring systems to convert data to required reporting units in compliance with 25 PA Code §§139.101 - 139.111 relating to requirements for continuous in-stack monitoring for stationary sources, as incorporated by reference under §2108.02 of this Article.
  - 3. Sources subject to this Subsection shall submit results on a regular schedule and in a format acceptable to the Department and in compliance with 25 PA Code §§139.101 - 139.111.
  - 4. Continuous nitrogen oxides monitoring systems installed under the requirements of this Subsection shall meet the minimum data availability requirements in 25 Pa.Code Chapter 139, Subchapter C.
  - 5. The Department may exempt a source from the requirements of Paragraph b.2 of this Section if the Department determines that the installation of an alternative emission monitoring and reporting system, as proposed by the source and approved by the Department, will provide oxides emission data that is representative of actual emissions of the source, and such alternative system is properly installed and operating.

- c. **Other Sources.** The Department may, by order or permit condition, require any source to install and operate such continuous monitoring systems, including as appropriate continuous monitoring of process parameters, as it determines are appropriate to further the purposes of this Article. Such order or permit condition shall specify a reasonable time for the installation of the required continuous emission monitoring systems.
- d. **Reports.** Unless otherwise provided under this Section or §2108.02 above, the owner or operator of any source which is required to install and operate a continuous emission monitoring system by this Section, or by an order or permit condition, shall retain the data collected by such system for a period of two years and shall, upon request, make such data available to the Department for inspection and copying. In addition, such person shall submit to the Department a written report of such data at three month intervals, or such other intervals as is specified by the Department in the applicable order or permit condition. Unless otherwise specified by the Department, such report shall include at a minimum:
  - 1. An identification of each instance during the reporting period during which emissions exceeded the applicable emission limitations established by this Article and an identification of the reasons, if known, for such exceedance. The averaging period, if any, used for making such identification shall correspond to the averaging period, if any, specified in the applicable emission limitation established by this Article.
  - 2. For opacity measurements, the report shall list the magnitude in actual percent opacity as measured at 15 second intervals of all one-minute periods during which opacity equalled or exceeded 20% at any such 15 second interval. The report need not include information for periods during which opacity equals or exceeds 20% solely because of a cold start of fuel-burning or combustion equipment, if such cold start has been reported as required by §2108.01 of this Article. In addition, the report shall list the magnitude in actual percent opacity of any measurement that equals or exceeds 60% opacity.
  - 3. An identification of each period during which the continuous emission monitoring system was inoperative, except for zero and span drift checks, the reasons therefore, and the nature of repairs or adjustments performed or to be performed.
  - 4. An identification of calibrations, zero and span drift checks, and other quality assurance procedures.
- e. **Approval by Department.** No continuous emission monitoring system shall be considered to meet the requirements of this Section and §2108.02 above unless such system has been approved by the Department in writing. At least 45 days prior to installing any such system, or at such other times as is specified in an applicable order or permit condition, the person responsible for the affected source shall make written application to the Department for the approval of such system, which application shall include a thorough description of the system, the location where such system will be installed, a program for periodic calibration, zero and span drift checks and other quality assurance procedures and all other information needed by the Department to evaluate such system. The Department shall make its evaluation in accordance with all relevant guidelines, including the performance specifications and other requirements of Appendix P of 40 CFR Part 51 and Appendix B of 40 CFR Part 60, including all modifications to such appendices as may hereafter be made by the EPA.
- f. **Violations.** The failure to install and operate any continuous emissions monitoring system required by this Section or §2108.02 above, or by an order or permit condition, the failure to retain any data or submit any report so required, or the knowing retention or reporting of false data shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article.

#### **§2108.04 AMBIENT MONITORING**

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

## PART I - ENFORCEMENT

### §2109.01 INSPECTIONS

*{Subsection d added by May 7, 1998 amendment, effective May 15, 1998. Subsection e added October 26, 2022, effective November 5, 2022.}*

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

## §2109.02 REMEDIES

*{Paragraphs a.3 & 6 amended September 6, 1995, effective October 20, 1995.  
Paragraphs a.5, 6, & 7 amended August 29, 2013, effective September 23, 2013.}*

- a. **General.** In addition to any remedy specifically authorized by any other provision of this Article or the laws of the Commonwealth or the United States, the Department may pursue any one or more of the following remedies for the violation of any requirement of this Article:
1. The issuance of an Enforcement Order as authorized by §§2109.03, 2109.04, and 2109.05 of this Article, including Emergency Orders to restrain or enjoin immediately and effectively any person from engaging in any activity in violation of a regulation or permit that is presenting an imminent and substantial endangerment to the public health or welfare, or the environment;
  2. The revocation of any applicable License or Installation or Operating Permit.
  3. The initiation of a summary criminal proceeding before a district justice, magistrate, or justice of the peace as authorized by §§9. and 12.g. of the Air Pollution Control Act, 35 P.S. §§4009. and 4012(g).
  4. The assessment of a civil penalty as authorized by §2109.06 of this Article;
  5. A request, from the Department or the Board of Health, to the County Executive to initiate in a court of competent jurisdiction an action for an injunction or other equitable relief and may include a request for civil penalties in the amount set forth in §2109.06 of this Article, including to restrain or enjoin immediately and effectively any person from engaging in any activity in violation of a permit that is presenting an imminent and substantial endangerment to the public health or welfare, or the environment;
  6. A petition, from the Department or the Board of Health, to the County Executive to request the District Attorney to initiate such other criminal action as may be appropriate, as authorized by §§9. and 12.g. of the Air Pollution Control Act, 35 P.S. §§4009. and 4012(g); and/or,
  7. A petition, from the Department or the Board of Health, to the County Executive to request the EPA and U.S. Department of Justice, and/or the DEP and PA Attorney General, to initiate such other civil and/or criminal action as may be appropriate.
- b. **Other Rights and Remedies Preserved.** Nothing in this Article shall be construed as impairing any right or remedy now existing or hereafter created in equity, common law or statutory law with respect to air pollution, nor shall any court be deprived of such jurisdiction for the reason that such air pollution constitutes a violation of this Article.
- c. **Remedies Concurrent.** It is expressly declared that the remedies authorized by this Article shall be concurrent and that the existence of pendency of any remedy shall not in any manner prevent the Department from seeking or exercising any other remedy, whether authorized by this Article or otherwise existing at law or in equity.

## §2109.03 ENFORCEMENT ORDERS

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

- a. **General.** Whenever the Department finds, on the basis of any information available to it, that any source is being operated in violation of any provision of this Article, including any provision of any permit or license issued pursuant to this Article, it may order the person responsible for the source to comply with this Article or it may order the immediate shutdown of the source or any part thereof. The issuance of an order to address any violations, including of permit conditions, need not be preceded by the revocation of a permit.



1. The Department may also issue any such other orders as are necessary to aid in the enforcement of the provisions of this Article. These orders shall include, but shall not be limited to, orders modifying, suspending, terminating or revoking any permits, orders requiring persons to cease unlawful activities or cease operation of a facility or air contaminant source which, in the course of its operation, is in violation of any provision of this Article, or any permit, orders to take corrective action or to abate a public nuisance or to allow access to a source by the Department or a third party to take such action, orders requiring the testing, sampling, or monitoring of any air contaminant source, and orders requiring production of information. Such an order may be issued if the Department finds that any condition existing in or on the facility or source involved is causing, contributing to, or creating danger of air pollution, or if it finds that the permittee or any person is in violation of any provision of this Article.
  2. The Department may, in its order, require compliance with such conditions as are necessary to prevent or abate air pollution or effect the purposes of this Article.
  3. The Department shall have the authority to order any person causing a public nuisance under this Article to abate the public nuisance. In addition, when the Department undertakes to abate a public nuisance, it may recover the expenses of abatement following the process for assessment and collection of a civil penalty contained in §2109.06 of this Article. Whenever the nuisance is maintained or continued contrary to this Article, or any order or permit, the nuisance may be abatable in the manner provided by this Article. Any person who causes the public nuisance shall be liable for the cost of abatement.
- b. **Form.** Any Enforcement Order issued pursuant to this Section shall:
1. Be in written form and be signed by the Director, the Deputy Director of the Bureau of Environmental Quality, or the Manager of the Air Quality Program, or their respective designee;
  2. Set forth the basis for such order;
  3. Require the performance of any acts specified by the order as expeditiously as practicable;
  4. Notify the person responsible that he has the right to a hearing as provided by Subsection d below;
  5. Notify the person responsible that the order is enforceable upon issuance and that appeal of an order shall not act as a stay unless the Director so orders.
  6. Notify the person responsible that failure to comply with the order within the times specified therein is a violation of this Article giving rise to the remedies provided by §2109.02 of this Article; and
  7. Include the assessment of a civil penalty in accordance with §2109.06 of this Article, if deemed appropriate by the Department.
- c. **Service.** Any Enforcement Order issued pursuant to this Section shall be served upon the person responsible by:
1. Personally handing him a copy;
  2. Serving him in the manner provided by Rule 1009(b)(2) of the Pennsylvania Rules of Civil Procedure or such other rules as may hereafter be established for the service of a complaint in a civil action; or
  3. Mailing a copy to him at his last known address by registered or certified mail, return receipt requested.

- d. **Hearings.** Any person who is aggrieved by an Enforcement Order issued pursuant to this Section shall, upon request, be granted a hearing in accordance with the provisions of Article XI, Rules and Regulations of the Allegheny County Health Department, or in accordance with such other procedures as may hereafter be established by the County Council. In all cases involving the provisions of this Article, hearings granted pursuant to this Subsection:
1. Shall not be held before employees of the Department who are assigned to the Air Quality Program of the Department; and
  2. Shall be held before a hearing officer who represents the public interest and does not derive any significant portion of his income from persons subject to the Clean Air Act or this Article, as defined in §2101.20 of this Article; except that, if a panel of three (3) or more persons is appointed to hear the case, a majority of the panel shall represent the public interest and shall not derive any significant portion of his income from persons subject to the Clean Air Act or this Article. Prior to being appointed to act as a hearing officer; each proposed appointee shall file with the Chief Clerk of the County of Allegheny a Disclosure Statement as required by Subsection f of §2109.06 of this Article. Said Disclosure Statement shall be subject to the public inspection provisions of this Article.
- e. **Violations.** Failure to comply with any Enforcement Order within the times specified therein shall be a violation of this Article and a public nuisance giving rise to the remedies and penalties provided by §§2109.02 and 2109.06 of this Article. In addition to such remedies and penalties, the Department may immediately revoke such order and may pursue any other remedy as if such order has never existed.
- f. **Other Remedies Unaffected.** The issuance of an Enforcement Order shall in no manner preclude or affect the right of the Department to pursue other remedies as are provided by §2109.02 for violations of this Article, whether occurring before or after the effective date of the order. The issuance of an Enforcement Order shall not be construed as a revision to the SIP for the Commonwealth of Pennsylvania and shall in no manner preclude or affect the right of the United States, the Commonwealth, or any citizen to enforce that portion of the SIP applicable to Allegheny County pursuant to the provisions of the Clean Air Act and the Air Pollution Control Act.

#### **§2109.04 ORDERS ESTABLISHING AN ADDITIONAL OR MORE RESTRICTIVE STANDARD**

- a. **General.** Whenever the Department finds, on the basis of any information available to it, that emissions from any source are causing or significantly contributing to the exceedance of any ambient air quality standard established by §2101.10 of this Article at any location within the Commonwealth, that such emissions violate the requirements of §2101.12 of this Article relating to interstate pollution, or that such emissions may otherwise reasonably be anticipated to endanger the public health, safety or welfare, it may order the person responsible for such source to comply with an additional or more stringent emission limitation than established by this Article or it may order the immediate shutdown of the source or any part thereof.
- b. **Form, Service and Hearings.** Any order issued pursuant to this Section shall be in the form, and shall be served, as provided by §2109.03 of this Article. Upon request, any person who is aggrieved by an order issued pursuant to this Section shall be granted a hearing as provided by §2109.03 of this Article.
- c. **Emergency Power Unaffected.** The issuance of an order pursuant to this Section shall in no manner preclude or affect the power of the Department to issue an Emergency Order under §2109.05 of this Article.

- d. **Violations.** Failure to comply with any order issued pursuant to this Section within the time specified therein shall be a violation of this Article giving rise to the remedies provided by §2109.02 of this Article. In addition to such remedies, the Department may immediately revoke such order and may pursue any other remedy as if such order had never existed.

## §2109.05 EMERGENCY ORDERS

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

## §2109.06 CIVIL PROCEEDINGS

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

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

post an appeal bond if the appellant demonstrates and the Department finds that the appellant is financially unable to pay. The Department shall issue an order within 30 days of the date of the hearing to consider the appellant's alleged inability to pay.

4. The amount assessed after administrative hearing or after waiver of administrative hearing shall be payable to the County and shall be collectible in any manner provided by law for the collection of debts, including the collection of interest on the penalty amount computed in accordance with §6621(a)(2) of the U.S. Internal Revenue Code of 1986 (P.L. 99-514, 26 U.S.C. §1 et seq.), which shall run from the date of assessment of the penalty.

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

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

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

**b. Penalty Determination.**

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

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

**§2109.07 PENALTIES, FINES, AND INTEREST** *{ Subsection b amended September 15, 2021, effective September 25, 2021. Subsections a and b amended November 24, 2025, effective December 4, 2025. }*

- a. **Fees.** In the event a source fails to pay any fee required under this Article when due, the Department will compute a civil penalty of 50% of the fee amount, plus interest on the fee amount computed in accordance with Paragraph a.4 of §2109.06 of this Article from the date the fee was required to be paid. In addition, the source may have its permit revoked. The County will allow up to a fifteen (15) calendar day “grace period” from the due date of fees required under this Article prior to assessing the above referenced civil penalty and interest.
- b. **Disposition of Monies Collected.**
  1. All interest received by the County under this Article as a result of fees under Sections 2102.10.h, 2103.40.i, and 2103.41.a.1 of this Article shall be paid into the Allegheny County Air Quality Fund for the major operating permit program.
  2. All interest received by the County under this Article as a result of fees, other than the fees under Sections 2102.10.h, 2103.40.i, and 2103.41.a.1 of this Article, shall be paid into the Allegheny County Air Pollution Control Fund.
  3. Except as provided by Paragraph b.4 below, all penalties, fines, interest, and other funds received by the County under this Article as a result of consent orders, noncompliance penalties, civil penalty actions, consent decrees, civil penalties, or summary proceedings, other than such funds provided for under paragraph 1 above, shall be paid into the Allegheny County Clean Air Fund.
  4. Funds related to “costs of the Department” pursuant to §2109.06.b.1. for penalty determinations for major sources shall be paid into the Allegheny County Air Quality Fund; for all other sources, such funds shall be paid into the Allegheny County Air Pollution Control Fund.

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

- a. **Purpose.** The purpose of the "Allegheny County Air Pollution Control Fund", a restricted fund established by the Allegheny County Board of Commissioners for the Health Department on August 27, 1992, as of the effective date of this Article, is to receive and disburse all air pollution control fees, related interest, and all other related funds, including but not limited to related administrative charges and reimbursements for costs, in accordance with the Air Pollution Control Act Amendments of 1992, but not funds payable to the Allegheny County Air Quality Fund established under Subsection e below.
- b. **Disposition of Monies Collected.** All funds received by the County under this Article as a result of fees, related interest, and all other related funds, including but not limited to related administrative charges and reimbursements for costs, shall be paid into the special fund known as the Allegheny County Air Pollution Control Fund.
  1. The Funds under this Section shall be administered in accordance with the provisions of the Second Class County Code and other applicable laws. The County Treasurer shall invest monies deposited in the Funds in such manner as not to impair the liquidity of the Funds and shall credit all interest accruing on such monies to the respective Funds.
  2. The Department shall report on the status of the Funds to the Board of Health on an annual basis, or at such other intervals as the Board may require.
  3. Audits of the Funds shall be performed as required by law.

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

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

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

c. **Disbursements.**

1. Disbursements of monies from the Allegheny County Clean Air Fund shall be utilized solely to support the purposes set forth under Subsection a above. Funds may therefore be disbursed for such purposes as, but not limited to:
  - A. The support of research and development of control technologies;
  - B. Health effects studies and surveys concerning air pollution;
  - C. Special purpose monitoring, as defined by the EPA;
  - D. Public education concerning air pollution;
  - E. The acquisition of consulting or other services from persons with special experience and/or expertise;
  - F. The purchase of equipment, materials, or services to supplement the County's air pollution control program; or
  - G. Any other project that is consistent with the purpose of this Section and the mission of the Board of Health.
2. An amount, no greater than five percent of the balance of the Clean Air Fund on December 31<sup>st</sup> of the previous calendar year, may be used to fund the normal operating costs of the County's Air Quality Program.
3. No air pollution source, except for Department facilities supporting the Air Quality Program, which are subject to the provisions of this Article shall receive monies from this Fund, or services, equipment, or materials purchased with such monies, to fulfill its obligations under this Article.

d. **Procedures for Disbursement of Funds.** Procedures for disbursement of monies paid into the Clean Air Fund shall be as follows:

1. The Department shall prepare requests for disbursements.
2. The Department shall consult with the Air Pollution Control Advisory Committee regarding the disbursement requests.
3. The Department shall present requests for disbursements to the Board of Health. The request shall include a summary of the consultation with the Air Pollution Control Advisory Committee.
4. The Board of Health shall approve or disapprove requests for disbursement made by the Department. Approval of the Air Pollution Control Advisory Committee is not required.

## **§2109.10 APPEALS**

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

## §2109.11 CITIZEN SUITS

- a. Any activity or condition declared by this Article to be a nuisance or which is otherwise in violation of this Article shall be abatable in the manner provided by law or equity for the abatement of public nuisance. In addition, and in accordance with the Air Pollution Control Act, in order to restrain or prevent any violation of this Article, or any permit or orders issued by the Department, or to restrain the maintenance and threat of public nuisance, suits may be instituted in equity or at law in the name of the County upon relation of the Commonwealth Attorney General, the Commonwealth General Counsel, the County District Attorney, or the solicitor of any municipality affected, after notice has first been served upon the County Solicitor of the intention to so proceed.

In accordance with State law, such proceedings may be prosecuted in the Commonwealth Court or in the County Court of Common Pleas, and, to that end, jurisdiction is conferred in law and equity upon such courts. Except in cases of emergency where, in the opinion of the court, the exigencies of the case require immediate abatement of the nuisance, the court may, in its decree, fix a reasonable time during which the person responsible for the nuisance may make provision for the abatement of the same.

- b. In cases where the circumstances require it or the public health is endangered, a mandatory preliminary injunction, special injunction or temporary restraining order may be issued upon the terms prescribed by the court, notice of the application therefor having been given to the defendant in accordance with the rules of equity practice, and in any such case the Attorney General, the General Counsel, the District Attorney, the County Solicitor, or the solicitor of any municipality shall not be required to give bond. In any such proceeding the court shall, upon motion of the Commonwealth or the County, issue a prohibitory or mandatory preliminary injunction if it finds that the defendant is engaging in unlawful conduct as defined by the Air Pollution Control Act or this Article or is engaged in conduct which is causing immediate and irreparable harm to the public. In addition to an injunction, the court in such equity proceedings may levy civil penalties in the same manner as the Department in accordance with §2109.06 of this Article.
- c. Except as provided in Subsection d of this Section, any person may commence a civil action to compel compliance with this Article, or any order or permit issued pursuant to this Article, by any owner, operator, or other responsible party alleged to be causing or contributing to a violation of any provision of this Article, or any order or permit issued under this Article. In addition to seeking to compel compliance, any person may request the court to award civil penalties. The court shall use the factors and amounts contained in §2109.06 of this Article in awarding civil penalties under this Subsection. Such penalties shall be paid into the County Clean Air Fund. Except where 42 Pa.C.S. (relating to judiciary and judicial procedure) requires otherwise, the courts of common pleas shall have jurisdiction of such actions. Such an action may not be commenced if the Department has commenced and is diligently prosecuting a civil action in a Federal or State court or is in litigation involving the assessment of a civil penalty or the issuance of an order to require the alleged violator to comply with this Article, or any order or permit issued pursuant to this Article, but, in any such action in a Federal or State court, any person having or representing an interest which is or may be adversely affected may intervene as a matter of right without posting bond.
- d. An action pursuant to Subsection c of this Section may not be commenced prior to 60 days after the plaintiff has given notice, in writing, of the violation to the Department and any alleged violator.
- e. The 60 day notice provisions of Subsection d of this Section to the contrary notwithstanding, any action pursuant to Subsection c of this Section may be initiated immediately upon written notification to the Department in the case where the violation or condition complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.
- f. The court, in issuing any final order in any action brought pursuant to Subsection c of this Section, may award costs of litigation, including attorney and expert witness fees, to any party whenever the court determines such an award is appropriate. Except as provided in Subsection b of this Section, the court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Pennsylvania Rules of Civil Procedure.



## §2109.12 LIMITATION ON ACTION

In accordance with State law, actions for civil or criminal penalties under this Article may be commenced at any time within a period of seven (7) years from the date the offense is discovered.

## §2109.20 GENERAL FEDERAL CONFORMITY

- a. **Applicability.** This Subpart of this Article applies to any and all departments, agencies, or instrumentalities of the Federal Government and any and all activities engaged in, supported or financially assisted in any way, licensed, permitted, or approved by any such department, agency, or instrumentality.
  - b. **Incorporation by Reference.** The federal regulations for determining conformity of general federal actions to state or federal implementation plans promulgated by the EPA at 40 CFR Part 51 Subpart W and by the Commonwealth at 25 Pa. Code §§127.301-127.303 are hereby incorporated by reference into this Article. Additions, revisions, or deletions to such regulations by the EPA or the Commonwealth are incorporated into this Article and are effective on the date established by such federal or state regulations, unless otherwise established by regulation under this Article.
-

**{THIS PAGE INTENTIONALLY LEFT BLANK}**