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

Dear Ms. Epps:

Enclosed are a paper copy and an exact duplicate of this paper copy on a computer disk in searchable pdf file format of a revision to Allegheny County's portion of the Pennsylvania State Implementation Plan (SIP) for the Attainment and Maintenance of the 8-Hour Ozone National Ambient Air Quality Standards. This SIP revision is being tracked as Allegheny County Tracking Number 70B. It

On May 5, 2009 the Pennsylvania Department of Environmental Protection (PA DEP) submitted to the U.S. Environmental Protection Agency (EPA) a SIP revision for Allegheny County RACT plans for the 8-hour ozone standard, Allegheny County Tracking Number 60. That submittal included VOC RACT regulations, a negative declaration list of several VOC regulations, NOx RACT regulations, and source-specific (or case-by-case) 8-hour RACT evaluations. The Allegheny County Health Department (ACHD) now requests that this earlier SIP revision (60) be changed due to the invalidation of the Clean Air Interstate Rule (CAIR) and court decisions that have held that ozone RACT plans cannot be demonstrated using either of the two cap-and-trade programs, CAIR or the NOx SIP Call. This latest SIP revision (70B) is a letter from the Allegheny County Health Department, to be submitted by PA DEP, requesting that the May 2009 revision be changed to remove references to the Clean Air Interstate Rule (CAIR) and the NOx SIP Call, and certifying that with respect to the "case-by-case evaluations," the 21 VOC and NOx RACT sources within Allegheny County did not reference or rely on CAIR or reference the NOX SIP Call to complete either the Ozone 1-Hour RACT Plan or the Ozone 8-Hour RACT Plan.

The public comment period for this SIP Revision took place from August 10, 2011, through September 12, 2011 when the public hearing was held. There were no comments during the public comment period. The County Board of Health approved the SIP revision at their meeting on November 30, 2011.

25-CS-0911
We request that the Pennsylvania Department of Environmental Protection approve this revision and forward it to the U.S. EPA Region III with a recommendation for approval.

Sincerely,

[Signature]

James Thompson, Manager
Air Quality Program

cc: Arlene Shulman, DEP
    Steve Hepler, DEP

Enclosures
REVISION TO ALLEGHENY COUNTY’S PORTION
of the
PENNSYLVANIA STATE IMPLEMENTATION PLAN
for the
ATTAINMENT AND MAINTENANCE
of the
NATIONAL AMBIENT AIR QUALITY STANDARDS

(Revision Tracking No. 70B)

Amendment to
Reasonably Available Control Technology (RACT) Plans
For the
8-Hour Ozone National Ambient Air Quality Standard
Revision Tracking No. 70B
Table of Contents

A. Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revision for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS)

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Notices to US EPA and PA DEP
Certification of Hearing
Summary of Comments and Responses
A.

Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revision for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS)

Statutory Authority:
25 Pennsylvania Code Subpart C Article III, Chapter 133: Local Air Pollution Agencies

1. Introduction

Background and Requirements:
The federal Clean Air Act (CAA) of 1990 gives the states primary responsibility for achieving the National Ambient Air Quality Standards (NAAQS). The NAAQS are established by the U.S. Environmental Protection Agency (EPA) as the maximum concentrations in the atmosphere for specific air contaminants, set to protect public health and welfare. The principal mechanism at the state and local level for complying with the CAA is the State Implementation Plan (SIP). A SIP outlines the programs, actions, and commitments that a state will carry out to fulfill its responsibilities under the CAA. Once approved by the EPA, a SIP is a legally binding document under both state and federal law.

In June 2004, EPA designated 126 areas of the country as “non-attainment” under the 8-hour ozone NAAQS. Among those non-attainment areas is the Pittsburgh-Beaver Valley Ozone Non-Attainment Area (NAA) located in Pennsylvania.

In order to reduce ozone concentrations in the ambient air, the CAA requires all non-attainment areas to apply Reasonably Available Control Technology (RACT) controls on major volatile organic compound (VOC) and nitrous oxide (NOx) emission sources to achieve emission reductions. According to the EPA’s Final Rule to Implement the 8-Hour Ozone NAAQS (70 FR 71612, November 29, 2005), areas classified as moderate non-attainment or higher must submit a demonstration that their current rules fulfill 8-hour ozone RACT requirements for all CTG categories and all major, non-CTG sources as a revision to their SIPs. Such demonstrations can be made with either a new RACT determination or a certification that previously required RACT controls represent RACT for the 8-hour ozone standard.

In 1996, 2001, and 2005 the Pennsylvania Department of Environmental Protection (PADEP) submitted source-specific revisions to the Pennsylvania State Implementation Plan (SIP), for the implementation of RACT for those sources located within Allegheny County, under the one-hour ozone standard. On May 5, 2009 the PA DEP submitted to the Environmental Protection Agency a SIP revision for Allegheny County RACT plans for the 8-hour ozone standard. This submittal included VOC RACT regulations, a negative declaration list of several VOC regulations, NOx RACT regulations, and source-specific (or case-by-case) 8-hour RACT evaluations.
On December 23, 2008, the D.C. Circuit remanded without vacatur EPA's Clean Air Interstate Rule. On November 3, 2009 EPA published a final stay of CAIR. Subsequently, the United States Court of Appeals, District of Columbia Circuit decided a suit on July 10, 2009, that, among other issues, held that ozone RACT plans could not be demonstrated using either of the two cap-and-trade programs, CAIR or the NOx SIP Call.

Therefore, this SIP revision is a letter from the Allegheny County Health Department, to be submitted by the PA DEP, requesting that the May 2009 revision be changed to remove references to the Clean Air Interstate Rule (CAIR) and the NOx SIP Call.

Specifically, ACHD requests that the following lines marked in strikeout be removed from the RACT document:
<table>
<thead>
<tr>
<th>Allegheny County Regulation</th>
<th>RACT Basis Document</th>
<th>SIP Revision Approved by EPA</th>
<th>RACT Rule Applicability and Requirements</th>
<th>Requirements at least as stringent as the 8-hour ozone RACT?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Source of Nitrogen Oxides and Volatile Organic Compounds Article XXI §2105.06</td>
<td>NOx RACT, CAA Section 182(b)(2) and Section 182(f)</td>
<td>10/7/02 67FR62389</td>
<td>This section establishes provisions for case-by-case determinations of RACT for major NOx sources. In addition, it establishes requirements for case-by-case RACT determinations for certain major NOx sources and establishes presumptive RACT limitations for certain classes of combustion units.</td>
<td>Yes. This provision represents current NOx RACT control requirement under the 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>NOx Allowance Requirements 2105.100</td>
<td>These sections ensure that sources subject to the cap-and-trade program achieve RACT-level reductions because they meet the NOx SIP Call requirements. EPA believes that the SIP provisions for those sources subject to the State's emission cap-and-trade program where the cap-and-trade program has been adopted by the State that meets the NOx SIP Call requirements meet the ozone NOx RACT requirement (70 FR 71652).</td>
<td>Effective 3/31/98. By County ordinance. Referenced state rule approved by EPA 8/21/01 66FR 43796 effective 9/20/04</td>
<td>This Section requires compliance with the PaDEP NOx budget and NOx allowance trading program for NOx-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.</td>
<td>Yes. This provision represents current NOx RACT control requirement under the 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>Clean-Air Interstate Rule (CAIR)</td>
<td></td>
<td></td>
<td>This rule will require additional NOx reductions from EGU facilities. Allegheny County sources will be subject to the state rule.</td>
<td></td>
</tr>
</tbody>
</table>
Case-by-Case Review

ACHD also certifies in the letter that under **Section 5: Case-By-Case Evaluations**, the 21 VOC and NOx RACT sources within Allegheny County did not reference or rely on CAIR or reference the NOx SIP Call to complete either the Ozone 1-Hour RACT Plan or the Ozone 8-Hour RACT Plan.
2. Submittal Letter
On May 5, 2009 the Pennsylvania Department of Environmental Protection submitted to you a State Implementation Plan (SIP) for Reasonably Available Control Technology (RACT) Plans for the 8-Hour Ozone National Ambient Air Quality Standard, Allegheny County Tracking Number 60. The Allegheny County Health Department (ACHD) requests that this revision be changed due to the invalidation of the Clean Air Interstate Rule (CAIR).

Specifically, ACHD requests that the following lines marked in strikeout be removed from the RACT document:

Table 2 - NOx RACT List and Certification Under the 8-Hour Ozone NAAQS

<table>
<thead>
<tr>
<th>Allegheny County Regulation</th>
<th>RACT Basis Document</th>
<th>SIP Revision Approved by EPA</th>
<th>RACT Rule Applicability and Requirements</th>
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<tbody>
<tr>
<td>Major Source of Nitrogen Oxides and Volatile Organic Compounds Article XXI §2105.06</td>
<td>NOx RACT, CAA Section 182(b)(2) and Section 182(f)</td>
<td>10/07/02 67FR62389</td>
<td>This section establishes provisions for case-by-case determinations of RACT for major NOx sources. In addition, it establishes requirements for case-by-case RACT determinations for certain major NOx sources and establishes presumptive RACT limitations for certain classes of combustion units.</td>
<td>Yes. This provision represents current NOx RACT control requirement under the 8-hour ozone NAAQS.</td>
</tr>
<tr>
<td>NOx Allowance Requirements 2105.100</td>
<td>These sections ensure that sources subject to the cap-and-trade program achieve RACT-level reductions because they meet the NOx SIP Call requirements. EPA believes that the SIP provisions for those sources subject to the State's emission cap-and-trade program where the cap-and-trade program has been adopted by the State that meets the NOx SIP Call requirements meet the ozone NOx RACT requirement (70 FR 71662).</td>
<td>Effective 3/31/03. By County ordinance. Referenced state rule approved by EPA, 8/21/01, 66FR 43796 effective 9/20/04</td>
<td>This Section requires compliance with the PaDEP NOx budget and NOx allowance trading program for NOx 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.</td>
<td>Yes. This provision represents current NOx RACT control requirement under the 8-hour ozone NAAQS.</td>
</tr>
</tbody>
</table>

In addition to this request, ACHD certifies that under Section 5: Case-By-Case Evaluations, the 21 VOC and NOx RACT sources within Allegheny County did not reference or rely on CAIR or reference the NOx SIP Call to complete either the Ozone 1-Hour RACT Plan or the Ozone 8-Hour RACT Plan.

Sincerely yours,

James E. Thompson
Manager
D.

Documentation of Public Hearing and Certifications

Public hearing notice
Proof of publication of notice of hearing
Transmittals of hearing notice to EPA & PA DEP
Certification of hearing
Comment and response document
NOTICE OF PUBLIC HEARING
FOR PROPOSED AMENDMENTS TO
ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS
ARTICLE XXI, AIR POLLUTION CONTROL

The Allegheny County Board of Health will hold a public hearing on **Monday, September 12, 2011, at 10:00 AM**, Building #7 First Floor Conference Room, Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on the following proposed modifications to Allegheny County Health Department Article XXI and County Ordinance 16782:

- **§2101.10 Definitions of major source and major modification**
- **§2102.04 Installation Permits**
- **§2102.06 Major Sources Locating in or Impacting a Nonattainment Area**
- **§2102.08 Emission Offset Registration**
- **§2105.88 Consumer Products**
- **§2105.101 Control Of NOx Emissions From Glass Melting Furnaces**

As well as a letter modifying Allegheny’s County’s review of Reasonably Available Control Technology (RACT) plans for the eight-hour ozone standard.

The proposed changes to **§2101.10, §2102.04, §2102.06, and §2102.08** will be incorporated as a revision to Allegheny County’s portion of the Pennsylvania State Implementation Plan for New Source Review.

The proposed changes to **§2105.88 and §2105.101** and the RACT letter will be incorporated as a revision to Allegheny County’s portion of the Pennsylvania State Implementation Plan for the control of ozone and particulate matter.

Copies of the proposed amendments may be examined beginning Wednesday, August 10, 2011, at the Allegheny County Health Department Document Room, Building 7, Clack Health Center, from 8:30 AM until 3:30 PM Monday thru Friday; on the Allegheny County Health Department web site: [www.achd.net](http://www.achd.net); or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8008 no less than 24 hours in advance of the public hearing. Speakers will be limited to five minutes and should bring a written copy of their comments.

The Board will accept written testimony beginning **Wednesday, August 10, 2011**, and concluding **Monday, September 12, 2011**, by mail to:

- Board of Health
- 3333 Forbes Avenue
- Pittsburgh, PA 15213
- By email to BOH@achd.net
- By Fax to 412-578-8325
Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1920, PL 1786, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, K. Fisler, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published on the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1902 by the merger of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1902 and the Pittsburgh Post-Gazette was established in 1927 by the merger of the Pittsburgh Gazette established in 1886 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz.

08 of August, 2011

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

COPY OF NOTICE OR PUBLICATION

STATEMENT OF ADVERTISING COSTS

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To PG Publishing Company

Total $127.05

Publisher's Receipt for Advertising Costs

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

By

Original Proof of Publication and receipt for the Advertising costs in the subject matter of

______________________________

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

Dear Ms. Epps:

Enclosed is a Notice of Public Hearing scheduled to occur on September 12, 2011, regarding proposed revisions to Allegheny County's portion of the Pennsylvania State Implementation Plans (SIPs), for (1) New Source Review and (2) the control of ozone and particulate matter. These SIP revisions are being tracked as our Revision Tracking Numbers 66 and 70, respectively.

Item (1) related regulatory changes include revising the definition of "major source" in light of the EPA Greenhouse Gas Tailoring Rule, and revising Article XXI non-attainment NSR regulations in response to EPA promulgated NSR regulation changes.

Item (2) related regulatory changes include the addition of new regulations in Article XXI for the control of VOC content in consumer products, and the control of NOx emissions from glass melting furnaces. Additionally, Item (2) includes a letter modifying Allegheny County's review of Reasonably Available Control Technology (RACT) for the 8-hr ozone standard.

Your comments are welcome.

Sincerely,

[Signature]

James E. Thompson  
Manager

cc: Arleen Shulman  
    Steve Hepler

Enclosures  
* Public Hearing Notice  
* Proposed SIP Revisions 66 and 70
Ms. Diana Esher, Director  
Air Protection Division  
Region III (3AP00)  
U.S. Environmental Protection Agency  
1680 Arch Street  
Philadelphia, PA 19103-2029

Dear Ms. Esher:

Enclosed is a Notice of Public Hearing scheduled to occur on September 12, 2011, regarding proposed revisions to Allegheny County’s portion of the Pennsylvania State Implementation Plans (SIPs), for (1) New Source Review and (2) the control of ozone and particulate matter. These SIP revisions are being tracked as our Revision Tracking Numbers 66 and 70, respectively.

Item (1) related regulatory changes include revising the definition of “major source” in light of the EPA Greenhouse Gas Tailoring Rule, and revising Article XXI non-attainment NSR regulations in response to EPA promulgated NSR regulation changes.

Item (2) related regulatory changes include the addition of new regulations in Article XXI for the control of VOC content in consumer products, and the control of NOx emissions from glass melting furnaces. Additionally, Item (2) includes a letter modifying Allegheny County’s review of Reasonably Available Control Technology (RACT) for the 8-hr ozone standard.

Your comments are welcome.

Sincerely,

James E. Thompson  
Manager

Enclosures
- Public Hearing Notice  
- Proposed SIP Revision 66  
- Proposed SIP Revision 70
Alaina Conner deposes and says that she is the Pollution Prevention and Outreach Coordinator for the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on September 12, 2011 on the proposed amendment to the County's portion of the Pennsylvania State Implementation Plan that would revise the County's review of the RACT Plan for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS); that the opportunity for written comments was given in accordance with the requirements of 40 CFR 51.102; that notice of such hearing was given by publication in a newspaper of general circulation on August 8, 2011; and to the best of her knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

Alaina Conner,
Pollution Prevention & Outreach Coordinator
Air Quality Program
Allegheny County Health Department

Date 2-16-11
SUMMARY OF COMMENTS AND RESPONSES

There were no public comments made on this SIP Revision.