

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY CONTROL**

**ALLEGHENY COUNTY AIR QUALITY PROGRAM
APPROVAL WITH CONDITIONS**

The Department of Environmental Protection (DEP or Department) hereby approves the Allegheny County Air Quality program under Section 12 of the Air Pollution Control Act (APCA), 35 P.S. §4012, subject to the following conditions:

I. GENERAL CONDITIONS

a. Allegheny County will implement the Allegheny County Air Pollution Control Program in a manner consistent with the regulations contained in Article XXI of the rules and regulations of the Allegheny County Health Department submitted to and approved by the Department along with any amendments to these rules and regulations approved by the Department.

b. Allegheny County shall implement regulatory requirements promulgated by the Department applicable to air contamination sources including mobile sources located in Allegheny County. Allegheny County shall also promulgate regulations to implement regulations promulgated by the Department. Allegheny County will describe the process and timing for implementation of these regulations in the Annual Program Plan.

c. Any provisions to the contrary notwithstanding, Allegheny County shall not implement the Nitrogen Oxides Allowance Requirements program at 25 Pa. Code Sections 123.101 through 123.120. The Department shall retain authority to implement this program for sources located in Allegheny County. The Department shall also retain authority to implement any regulatory programs developed to implement the EPA NO_x State Implementation Plan (SIP) call in Pennsylvania including any program to implement Phase III of the Ozone Transport Commission NO_x Memorandum of Understanding.

d. The requirements for notification, enforcement and program suspension or rescission are contained in Section 12(c), (d), (e) and (f) of the APCA (35 P.S. §4012(c), (d), (e) and (f)).

e. The Department shall have access to and the right to examine and copy any pertinent books, documents, letters, reports or records related to the Allegheny County Program.

f. Under 25 *Pa. Code* §127.706(b), no later than November 15 of each year, Allegheny County shall submit to DEP a description of the implementation of the Allegheny County Air Pollution Control Program for the following calendar year, including the Title V operating permit program, along with a detailed accounting of the costs of implementation.

g. Allegheny County will, during a period of time agreeable to both Allegheny County and the Department, work with the Department to establish a procedure to provide Allegheny County's stationary point source information to the Department's Air Information Management System (AIMS) through the exchange of data. The Department agrees to provide training and the necessary support to Allegheny County as needed.

h. The Department will provide Allegheny County with policy and guidance documents and technical interpretations related to implementation of the Department's air quality program. Allegheny County shall have an opportunity to comment during the development of these documents. Allegheny County shall follow these policy and guidance documents and technical interpretations when implementing regulations promulgated by the Department or, where applicable, to the implementation of appropriate rules and regulations or Allegheny County.

i. Until a Title V Operating Permits Program Implementation Agreement is executed by Allegheny County, the Department and the U.S. Environmental Protection Agency, Allegheny County agrees to implement the requirements of the Title V Operating Permits Program Implementation Agreement executed by the Department and EPA applicable in Allegheny County.

II. FINANCIAL ASSISTANCE

a. Allegheny County shall collect the Title V emission fees applicable to facilities located in Allegheny County under 25 *Pa. Code* Section 127.705 and shall provide information needed by the Department to evaluate the adequacy of these fees and proper use of the fees.

b. Allegheny County shall deposit all Title V fees collected by the county into a restricted account established by Allegheny County to implement the Title V program. All interest earned on account funds shall be paid to the restricted account. Funds used from this account shall be used exclusively to implement the requirements of the Title V program in Allegheny County.

c. Allegheny County agrees to designate a financial assistance officer who, on its behalf, shall be the primary contact with the Department for financial issues.

d. A list of emission fees collected from Title V facilities shall be maintained Allegheny County.

e. An accounting of how Title V emission fees were expended by Allegheny County shall be provided to the Department on a calendar quarterly basis. This information shall be submitted within 30 days after the end of the quarter.

f. Audit

1. Allegheny County shall use generally accepted accounting procedures for all Title V fees using at a minimum invoices, subcontracts, time reports and employee expense reports and shall keep separate, appropriate books and records that will establish the receipt and expenditure of all Title V fees. Such records shall be retained and made available for audit for a period of three (3) years.

2. Allegheny County shall, on an annual basis, on or before September 1, submit to the Department a financial audit of the Title V restricted account.

III. ANNUAL PROGRAM PLAN

Allegheny County (County) shall submit an annual work plan to the Department for review. The plan shall describe how the County will implement the air pollution control program for the following calendar year and shall be submitted by November 15 of the preceding year. The plan shall provide a workload projection for the following year including but not limited to the number of construction and operating permits to be issued, the number of compliance inspections to be conducted, the number of complaints to be investigated, the number of source tests to be observed, and any other activities that would account for substantial workload for the Allegheny County staff. The plan shall also include major objectives/goals scheduled to be completed during the following year and the expected completion dates.

IV. EMISSIONS REPORTING

Allegheny County shall implement an emissions reporting program as follows:

Emission Inventory

Allegheny County shall maintain a computerized emission inventory for all facilities that are classified as major facilities for Title V, RACT, NSR or PSD and also for any other categories of facilities identified by DEP. DEP will notify Allegheny County of any changes to the list at least 90 days prior to the next reporting period and allow Allegheny County 60 days for review and comment.

Allegheny County shall update the inventory at the frequency specified in DEP's Rules and Regulations. The inventory will have sufficient detail to determine the potential and actual emissions and emission rates from each source for CO, NO_x, SO_x, VOC, PM₁₀ and the Section 112(b) air toxic pollutants. The inventory shall detail actual emissions for each source on a monthly basis unless otherwise agreed upon by DEP and Allegheny County.

Emission Statements

Allegheny County shall require an annual emission statement from facilities that emit VOC or NO_x. Except as otherwise required by Allegheny County's regulations, if the facility category is listed on the exemption list published at 23 *Pa. Bulletin* 1994-1995, and any amendments to that exemptions list, then only those facilities with an actual emission rate of 25 tons per year or more of VOC or NO_x need to submit a statement. The emission statement must indicate the actual emissions of VOC and NO_x, the method used to calculate the emissions, and a certification by a company officer or plant manager that the information is accurate. Facilities subject to the Emission Statement regulation must also provide an estimate of the average pounds of NO_x and VOC emitted per day during the ozone season (June - August) for each source within the facility. The average pounds per day must not be diluted by non-operational periods during the ozone season. The statement shall be required by March 1 for the preceding calendar year. Allegheny County shall enter the actual emissions from each facility into the computerized emission inventory on an annual basis.

V. EMISSION REPORTING REQUIREMENTS

Allegheny County shall provide the following to DEP on an annual basis in a method mutually agreed upon by both agencies:

1. The names of all facilities which provided emission inventory and/or emission statement information for the preceding calendar year.
2. An opportunity to review the complete emission inventory/emission statement for facilities identified by DEP. DEP will use AIMS to the maximum extent possible for this purpose.

VI. SOURCE MONITORING

Inspections

Allegheny County shall conduct at least one Level II inspection, as defined by EPA, at the Class A and B facilities, as defined by EPA in AIRS, selected for inspection in the annual plan.

Allegheny County will conduct low RVP gasoline, Stage I/II and NESHAP asbestos removal inspections in accordance with the annual plan. Inspection reports should clearly indicate the results of the inspections. Inspectors must be adequately trained in inspection methods including bulk sampling techniques (asbestos, fuel oil, VOC, etc.) and certified to read visible emissions in accordance with EPA Method 9 or other DEP approved methods including procedures provided in the Source Testing Manual established by Allegheny County and approved by the DEP in writing.

Complaint Handling

Allegheny County shall have a system in place to record complaints and ensure that they are responded to appropriately within a reasonable time frame. Inspection reports shall clearly indicate the results of an investigation. Allegheny County shall notify complainants regarding the outcome of their complaints as appropriate.

VII. SOURCE MONITORING REPORTING REQUIREMENTS

Allegheny County shall provide the following to DEP on a quarterly basis, within 30 days after the end of each quarter, using a method mutually agreed upon by both agencies. For purposes of this approval, the first calendar quarter will end on March 31st unless specifically stated otherwise.

1. A list of the Class A and B facilities inspected during the calendar quarter. The list shall include the company name, plant name, plant address and the date of the inspection.
2. The number of low RVP gasoline and Stage I/II inspections conducted during the calendar quarter.
3. The number of NESHAP asbestos removal notifications received and the number of NESHAP asbestos inspections conducted during the calendar quarter.
4. The number of complaints received and investigated during the calendar quarter.

5. An opportunity to audit inspection reports which are to be identified by DEP at least 30 days in advance.

VIII. ENFORCEMENT

When non-compliance with any regulation contained in the PA SIP is documented, Allegheny County shall take reasonable and necessary action to achieve compliance including notifying the operator of the violation and taking enforcement action. DEP recognizes the discretionary nature of enforcement and, to the maximum extent possible, will rely on Allegheny County's judgment in determining what level of enforcement is appropriate. If DEP determines that Allegheny County is unwilling or unable to resolve a violation, DEP may pursue resolution of the violation in accordance with Section 12 of the APCA, 35 P.S. §4012, after providing notice to Allegheny County and an opportunity for discussion between DEP and Allegheny County.

Allegheny County will provide enforcement information to EPA consistent with its grant agreement with EPA for the year. DEP will make its computerized compliance system available to Allegheny County for this purpose.

IX. ENFORCEMENT REPORTING REQUIREMENTS

Allegheny County shall provide the following to DEP quarterly, within 30 days after the end of the quarter, using a method mutually agreed upon by both agencies:

1. A summary of the enforcement actions taken in that calendar quarter.
2. A copy of any enforcement policy or penalty policy revised or created during the preceding calendar quarter.
3. An opportunity to conduct a detailed audit of enforcement actions identified by DEP.

X. AMBIENT AIR MONITORING

Allegheny County shall conduct an ambient air monitoring program which meets the requirements of 40 CFR Part 58 (Ambient Air Quality Surveillance).

Allegheny County will develop a mechanism to provide the Department with real-time access to Allegheny County air monitoring database as required by DEP for access to air monitoring data and standard reports. This capability will be jointly managed by Allegheny County and the DEP COPAMS staff.

XI. AMBIENT AIR MONITORING REPORTING REQUIREMENTS

Allegheny County shall provide the following to DEP using a method mutually agreed upon by both agencies:

1. A quarterly report verifying the ambient air monitoring data submission to the EPA AIRS/AQS database within 90 days after the end of the quarter. This report shall include a summary of the reporting sites and devices, the percent data capture for each device, and the associated quality assurance statistical reports (precision checks and audits) for data not directly submitted to AIRS.

2. An opportunity for DEP to comment on the annual SLAMS network review (40 CFR 58.20d). Comments will be included in the annual review report submitted to EPA along with any air monitoring network modifications required and agreed upon by Allegheny County and DEP in writing.

XII. STACK TESTING REQUIREMENTS

Each stack test required by Allegheny County shall meet the applicable requirements specified in *25 Pa. Code* Chapter 139 and DEP's Source Testing Manual and procedures provided in the Source Testing Manual established by Allegheny County that have been approved by the DEP.

XIII. STACK TESTING REPORTING REQUIREMENTS

Allegheny County shall provide the following to the DEP quarterly, within 30 days after the end of each quarter, using a method mutually agreed upon by both agencies:

1. A copy of the quarterly report submitted to the EPA indicating the stack tests performed during the quarter, or some other equivalent report.

2. An opportunity to review stack test information for tests identified by DEP which can include the test report summary, Allegheny County's decision regarding the acceptability of the test results, and Allegheny County's observation report.

XIV. CONTINUOUS EMISSION MONITORING

Allegheny County shall, at a minimum, implement a continuous emission monitoring program in accordance with *25 Pa. Code* Chapter 139 unless modifications of the requirements are approved by DEP in writing.

XV. CONTINUOUS EMISSION MONITORING REPORTING REQUIREMENTS

Allegheny County shall provide a list of all monitors approved in the County. Allegheny County shall provide the following to DEP quarterly, within 30 days after the end of the quarter, by a method mutually agreed upon by both agencies:

1. A list of continuous emission monitors approved during the calendar quarter.
2. A list of continuous emission monitors pending approval.
3. An opportunity to audit the complete approval for continuous emission monitors identified by DEP.

XVI. AIR QUALITY PERMITTING

a. Allegheny County shall continue to implement an air contamination source permitting program, as approved by DEP, that is at least as stringent as the requirements of *25 Pa. Code* Chapter 127. Allegheny County's permitting program shall conform to or be more stringent than that of DEP, and be implemented in accordance with DEP policies and procedures, unless modifications are approved by DEP in writing. Allegheny County's permitting program may be more stringent than the Department's permitting program.

b. Allegheny County's permitting program shall include, at a minimum, the following program elements necessary to conduct reviews and approve/deny plans to construct, modify and operate air contamination sources:

1. Title V permits;
2. Synthetic Minor source permits;

3. NSPS source permits in conformance with EPA specifications;
4. PSD source permits in conformance with EPA specifications;
5. NSR review and permitting;
6. Operating permits to facilities that do not otherwise meet federal permitting thresholds, and do not qualify for the exemptions published at 23 *Pa. Bulletin* 1994-1995 and any amendments to that exemptions list.
7. MACT operating permits;
8. Section 111(d) of the Clean Air Act operating permits;
9. RACT operating permits;
10. BACT permitting requirements in accordance with DEP policies and procedures or any more stringent Allegheny County policies and procedures for new and newly modified sources that are not otherwise required to meet BACT or LAER as defined by EPA; and
11. Permits for construction of new sources and modification of existing sources that do not qualify for the exemptions published at 23 *Pa. Bulletin* 1994-1995 and any amendments to that exemptions list.

c. Allegheny County shall participate in DEP's regularly scheduled Title V and Engineering Services staff meetings.

d. Allegheny County may use application forms of their own design, adapt or utilize the Department's forms.

e. The review of major sources new source review for non-attainment pollutants, shall be conducted in accordance with 25 *Pa. Code* Chapter 127, Subchapter E requirements. Allegheny County shall verify that emission reduction credits (ERCs) from sources in Allegheny County are permanent, enforceable, quantifiable and surplus. Onsite inspections shall be conducted to verify shutdowns. If equipment has not been dismantled or removed, Allegheny County shall annually receive certification of the continuance of the shutdown. Documentation sufficient for the registry and transfer of ERCs shall be provided to the Department's Bureau of Air Quality Control, Division of Permits for entry in the ERC registry system.

f. Title V operating permits shall be issued by Allegheny County in accordance with the Implementation Agreement between the DEP, Allegheny County and EPA, Region III. Title V operating permits shall follow the format DEP

has developed in consultation with EPA unless modifications are approved by DEP and EPA. These permits need not be produced through DEP's Air Information Management System, but Allegheny County will consider its eventual use.

XVII. AIR QUALITY PERMITTING REPORTING REQUIREMENTS

a. Allegheny County shall provide the following to DEP by a method mutually agreed upon by both agencies:

1. Copies of all draft Title V permits sent to the EPA.
2. Copies of all final Title V permits.
3. Copies of other permits and plan approvals requested by DEP.

b. DEP shall have the right to comment on or object in writing to the issuance of all construction and operating permits proposed by Allegheny County. The County shall respond to all comments. Allegheny County shall not issue a permit if DEP objects to its issuance in writing. Allegheny County shall not issue the permit until DEP withdraws its objection when satisfied that Allegheny County has resolved the basis for the objection.

Date

James M. Seif
Secretary
Department of Environmental Protection