

**AGREEMENT FOR IMPLEMENTATION OF
THE PHILADELPHIA COUNTY
AIR POLLUTION CONTROL PROGRAM**

THIS AGREEMENT is made this _____ day of _____ 2010, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (hereinafter called DEP or the Department) and the City of Philadelphia Department of Public Health (hereinafter called Philadelphia County).

WHEREAS, DEP is authorized under Section 4(1) of the Act of January 8, 1960 (P.L.(1959) 2119), as amended, known as the Air Pollution Control Act (hereinafter called the APCA) (35 P.S. §4004(1)) to implement the provisions of the Clean Air Act (42 U.S.C. §7401- 7671) in the Commonwealth; and,

WHEREAS, DEP is authorized under Section 4(18) of the APCA (35 P.S. §4004(18)) to prepare and develop a general comprehensive plan for the control and abatement of existing air pollution and air contamination and for the abatement, control and prevention of any new air pollution and air contamination, recognizing varying requirements for the different areas of the Commonwealth and to submit a comprehensive plan to the Environmental Quality Board (EQB) for its consideration and approval; and,

WHEREAS, the EQB promulgated regulations at 25 Pa. Code Article III Air Resources to implement the provisions of the Clean Air Act and to control and abate air pollution and air contamination; and,

WHEREAS, under Section 12(b) of the APCA (35 P.S. §4012(b)), the administrative procedures for the abatement, reduction, prevention and control of air pollution set forth in the APCA shall not apply to any county of the first class of the Commonwealth which has and implements an air pollution control program that, at a minimum, meets the requirements of the APCA, the Clean Air Act and the rules and regulations promulgated under the APCA and the Clean Air Act; and,

WHEREAS 25 Pa. Code §127.706 establishes a financial assistance program for Philadelphia County and requires submission of the Philadelphia County program to the DEP for review and approval; and,

WHEREAS, Philadelphia County has developed and implemented an air quality program to meet the requirements of the Clean Air Act and the Air Pollution Control Act and has previously received delegation from the Environmental Protection Agency (hereinafter EPA) for implementation of National Emission Standards for Hazardous Air Pollutants, New Source Performance Standards, Prevention of Significant Deterioration and New Source Review Programs, and has operated as a Pennsylvania approved program.

NOW THEREFORE, the parties hereto intending to be legally bound hereby agree as follows:

I. GENERAL CONDITIONS

a. The Department hereby approves the Philadelphia County Air Pollution Control Program (Philadelphia County Program) under Section 12(b) of the APCA (35 P.S. §4012(b)).

b. Philadelphia County will implement the Philadelphia County Air Pollution Control Program in a manner consistent with the Program Description and Implementation Plan attached hereto and incorporated herein as Attachments A and B respectively along with any amendments agreed to by the parties. Changes to the Program Description and Implementation Plan may be made by the parties without the need to amend this Agreement.

c. Philadelphia County shall implement regulatory requirements, promulgated by the Department applicable to Philadelphia County. Philadelphia County shall also promulgate regulations to implement regulations promulgated by the Department. Philadelphia County will describe the process and timing for implementation of these regulations in the Annual Workload Projection prepared as required in the Implementation Plan.

d. Any provision to the contrary notwithstanding, Philadelphia County shall assist in implementing emission trading programs adopted in 25 Pa. Code Chapter 145 (relating to interstate pollution transport reduction). The Department will retain responsibility for allocating allowances under Chapter 145. Philadelphia County and the Department shall discuss implementation of EPA adopted trading programs, as necessary.

e. 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)).

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

g. Under 25 Pa. Code §127.706(b), no later than April 30 of each year, Philadelphia County shall submit to DEP a description of the implementation of the local air pollution control program during the current year as described in the Implementation Plan, including the Title V operating permit program in the county along with a detailed accounting of the costs of implementation.

h. Philadelphia County will submit to DEP the information required by the Implementation Plan attached hereto and incorporated herein as Attachment B.

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

j. Until a Title V Operating Permits Program Implementation Agreement is executed by Philadelphia County, the Department and the U.S. Environmental Protection Agency, Philadelphia County agrees to implement the requirements of the Title V Operating Permits Program Implementation Agreement executed by the Department and EPA applicable in the Philadelphia County area to the extent that Philadelphia County is authorized to implement that agreement.

k. Philadelphia County will register and participate in DEP training regarding regulations, guidance, inspection procedures or other matters relevant to the Title V operating permit program.

II. FINANCIAL ASSISTANCE

a. The Department may provide payment of a portion of the Title V emission fees collected by the Department as necessary, appropriate and available to assist Philadelphia County in implementation of the Title V operating permit program in the county.

b. The Department may withhold this financial assistance if Philadelphia County has not implemented the Title V program in the manner substantially required by this agreement.

c. Philadelphia County will use this financial assistance only to cover the reasonable direct and indirect costs of administering the operating permit program required by Title V of the Clean Air Act.

d. Philadelphia County shall deposit all Title V fees collected by the county and all financial assistance provided by the Department into a restricted account established by Philadelphia County to implement the Title V program. All interest earned on account funds shall be paid to the restricted account in a manner consistent with procedures established by the City of Philadelphia Grants Accounting Unit and attached hereto and incorporated herein as Attachment D.

e. Philadelphia County agrees to designate a financial assistance officer who, on its behalf, shall be the primary contact with the Department for issues related to financial assistance during the duration of this Agreement.

f. Payment provisions.

1. An Application for Available Funds (hereinafter Application) shall be in writing on a form approved by the Department. The Application shall be received by

the deadline established by the Department. The Application shall include a budget outlining anticipated expenses.

2. The approved Application for the first agreement year is attached to and made a part of this agreement as Attachment C. Applications and budgets for subsequent contract years shall be submitted by Philadelphia County for review and approval by the Department on or before March 31st without the need to amend this agreement.

3. Claims for payment must be submitted to the Department within thirty (30) days of the end of each quarter except for the final quarter. Such claim will be submitted no later than 100 days after the end of each agreement year. The days for claims submittal are October 30, January 30, April 30, and October 8. Payment for approved expenditures shall be made by the Department as soon as reasonably possible. The first claim for payment for the first agreement year will be for July 2010 through December 2010 and will be submitted upon execution of this agreement.

4. The Department may suspend claim processing until receipt of required reports or the substantial completion of all conditions of this agreement.

5. Philadelphia County shall have discretionary authority to spend the funds made available by this Agreement for the work performed, with allowance for deviation of the amounts allocated to the budget categories so long as the total budget amount is not exceeded. However, DEP shall be informed prior to any such deviation and shall have the right to approve/disapprove any reallocation greater than 10% of the total annual amount in any year.

6. Except as otherwise provided in Section II, the Department shall provide financial assistance to Philadelphia County in the quarterly amounts approved by the Department in the budget of each annual Application.

7. Upon request by the County, the Department may increase the financial assistance for each agreement year. To be valid, any request to increase the funding for a agreement year must be in writing and approved by the DEP Deputy Secretary of Air, Recycling, and Radiation Protection, DEP Agency Attorney, and the DEP Comptroller. Without the duly authorized funding increase, the DEP obligation to Philadelphia County shall not exceed the authorized funding previously approved according to the approved application for each annual agreement period.

g. Audit.

1. Philadelphia County agrees to account for all Title V fees and financial assistance funds using invoices, subcontracts, time reports and employee expense reports and to keep separate, appropriate books and records that will establish the receipt and expenditure of all Title V fees and Financial Assistance. Such records shall be retained

and made available for audit for a period of three (3) years after final payment is made and all pending matters are resolved.

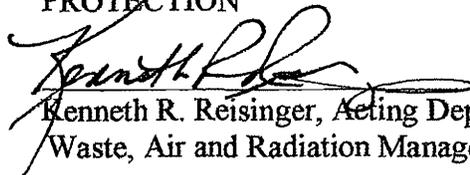
2. Philadelphia County shall on an annual basis submit to the Department a financial audit, in accordance with the "Single Audit" report issued by the Finance Department and performed by the County's Controller's office.

3. The audit shall be submitted each year on the "Single Audit" submission date as required by federal regulations.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST/WITNESS:

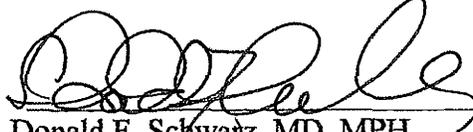
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION


Kenneth R. Reisinger, Acting Deputy Secretary for
Waste, Air and Radiation Management

APPROVED AS TO FORM
SHELLEY R. SMITH
CITY SOLICITOR

CITY AND COUNTY OF
PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH


Patrick K. O'Neill
Divisional Deputy City Solicitor


Donald F. Schwarz, MD, MPH
Deputy Mayor, Health & Opportunity
Health Commissioner

Date: 10/1/2010

Date: 9/30/10

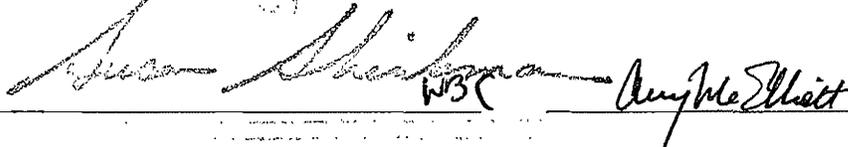
Federal Tax Identification

Number: 23-6405285

Vendor #: 679908-003

Project dates: July 1, 2010 – June 30, 2011

APPROVED AS TO LEGALITY AND FORM:


Susan Steinman
Amy McElhett

Chief/Assistant Counsel
Department of Environmental Protection

Office of Attorney General

I hereby approve this agreement and certify that funds in the amount of
\$700,000 are available under Appropriation
6600400-3522709000-3527027654-2007710000


Comptroller
10/27/10

ME #: 4100054397

**PHILADELPHIA DEPARTMENT OF PUBLIC HEALTH
PUBLIC HEALTH SERVICES DIVISION
AIR MANAGEMENT SERVICES**

ATTACHMENT A

PROGRAM DESCRIPTION

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I. Program Authority and Responsibility

The Air Management Services (AMS) component of the Philadelphia Department of Public Health is the local air pollution control agency for the City and County of Philadelphia. AMS programs are conducted under authority provided by the Philadelphia Home Rule Charter, Philadelphia Code, the Pennsylvania Air Pollution Control Act, and the federal Clean Air Act. AMS is responsible for the prevention, abatement and control of air pollution and air pollution nuisances, as required to achieve and maintain federal national ambient air quality standards (NAAQS) within Philadelphia. AMS is also responsible for the control of airborne asbestos from building renovation and demolition projects, and for the abatement of community noise and vibration nuisances.

II. Public Services

AMS services to the public include review and evaluation of plans for proposed new and modified sources of air contaminant emissions; issuance of facility operating permits for approved sources; conducting facility compliance inspections, including source testing and the taking of samples; responding to community complaints of air pollution and odors; citing violations where observed; and initiating timely and appropriate enforcement actions to resolve violations. AMS also operates a citywide air monitoring network that continuously samples Philadelphia's air quality for compliance with federal standards, and provides daily information on air quality to the public through the media. AMS enforces community noise and vibration standards by responding to citizen complaints; conducting noise and vibration measurements; citing observed violations of noise and vibration standards; working with affected parties to

resolve noise and vibration problems; and initiating appropriate enforcement action as required. AMS activities to control the public's exposure to asbestos include review of applications and notifications for proposed asbestos abatement projects; issuance of permits for approved projects; conducting inspections at project work sites; responding to public inquiries and complaints regarding asbestos; citing violations of applicable standards and work practices; and taking appropriate enforcement actions. AMS also reviews license and certification applications for asbestos contractors, asbestos project inspectors, asbestos investigators, and analytical laboratories, and conducts audits at project work sites to monitor compliance with the state's asbestos worker certification requirements.

III. Program Organization

Organizationally, AMS is comprised of two central support groups, Administrative Services and Program Services, and two operating groups, Regulatory Services and Technical Services, each reporting to the AMS Program Director. The composition and function of each organizational group is described below.

IV. Program Support Services

A. Administrative Services

The Administrative Services group is responsible for providing centralized administrative and organizational support related to the development, allocation and management of agency funding, personnel, and other program resources. Administrative Services provides oversight and coordination of certain decentralized administrative support functions associated with agency operating units. Areas of responsibility include implementation of administrative policies and procedures; budget and revenues management; contracts and grants management; facilities and fleet management; personnel management; organizational development and workforce planning; training coordination; and program activity and service level tracking and reporting. Administrative Services also provides administrative and executive support to the operation of the city's Air Pollution Control Board.

B. Program Services

The Program Services group is responsible for providing centralized support related to the development and implementation of the AMS program, to ensure that its functions and operations are maintained consistent with, and responsive to, needs and demands imposed by federal and state requirements, regional initiatives, and local government and community concerns. A significant part of Program Services' support role involves the establishment of appropriate operations management and information systems necessary to the effective functioning of the AMS program. Areas of responsibility include agency strategic planning; inter- and intra-agency program coordination and integration; preparation and processing of revisions to the Philadelphia-portion of the Pennsylvania State Implementation Plan (SIP) for Air Quality; management of emission inventory and facility compliance databases; mobile source emissions and related transportation project

assessments; air quality simulation modeling; and development and preparation of annual air quality reports and other agency public outreach materials. The Program Services group is also responsible for maintaining and upgrading the hardware and software components of the AMS local area network (LAN) computer system; identifying and prioritizing agency information system needs and related database program development; and for assuring adequate end-user training and support in the use of hardware and software. Program Services serves as a technical and informational resource to the city's Air Pollution Control Board.

V. Program Operations

A. Regulatory Services

The AMS Regulatory Services group is responsible for implementation and enforcement of all applicable local, state and federal regulatory requirements pertaining to the prevention and control of air pollution, asbestos contamination, and noise and vibration nuisances within the City of Philadelphia. The Regulatory Services group is comprised of three sections: Source Registration (Permitting), Facility Compliance and Enforcement, and Asbestos Control.

1. Source Registration

Source Registration is responsible for the review and approval/disapproval of applications for installation, modification and operation of sources of air contaminant emissions within the City of Philadelphia. Source Registration activities include review of applications pertaining to: installation permits and operating licenses, as required under the Philadelphia Code; plan approvals and operating permits, as required under *25 Pa. Code* Chapter 127; and Title V, Prevention of Significant Deterioration (PSD), New Source Review (NSR), New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) permits, as required under the federal Clean Air Act. State and federal permit requirements are administered and enforced locally pursuant to state and federal delegations of authority made to the City of Philadelphia. Source Registration is also responsible for issuance of source or facility permit and license approval documents, as well as for conducting appropriate public notification and public involvement activities as may pertain to applications under review, including the holding of public and administrative hearings, and the preparation of responses to comments received from the public. To minimize redundancy and paperwork burdens, Source Registration attempts, wherever possible, to consolidate local permit requirements with any state/federal permit requirements that may apply to a source or facility within Philadelphia. Source Registration is also responsible for activities related to the stack testing of emission units and Continuous Emission Monitoring Systems (CEMS). Stack testing activities include reviewing and approving test protocols, observing stack tests, and reviewing stack test reports. CEMS activities include reviewing and approving Phase I applications for the installation of new CEMS, observing parts of the Phase II performance testing for new CEMS, and reviewing Phase III CEMS performance test reports. Stack tests and CEMS must comply with *25 Pa. Code* Chapter 139, the Pennsylvania Source Test Manual, and the Pennsylvania Continuous Monitoring Manual as well as any applicable EPA reference methods and performance specifications.

2. Facility Compliance and Enforcement

Facility Compliance and Enforcement is responsible for implementation of local, state and federal regulatory requirements applicable to sources and facilities within Philadelphia; conducting compliance assurance inspections at permitted facilities; maintaining citywide surveillance and responding to citizen complaints regarding air pollution, noise and vibration nuisances; and for pursuing appropriate enforcement actions to resolve violations, including entering into compliance agreements, filing for court-ordered consent decrees, and seeking injunctive actions in cases posing imminent endangerment to public health.

The Compliance Assurance unit, through its engineering staff, is responsible for monitoring source and facility compliance with regulatory and operating permit requirements; preparing documentation for issuance of formal notices of violation (NOV) for verified non-compliance; identifying “significant violators” for resolution in accordance with U.S. EPA's Compliance Monitoring Strategy (CMS) and guidance; performing data collection and validation activities for maintenance of the air emissions inventory for Philadelphia; and providing appropriate information for uploading to the U.S. EPA's Air Information Retrieval (AIRS) facility compliance data system. Compliance evaluation techniques utilized include conducting facility inspections, reviewing and auditing facility compliance certifications, testing of emissions and process materials, and engineering estimates and material balances. Compliance Assurance field inspectors, working in cooperation with the engineering staff, assist in performing compliance inspections for minor sources, in addition to their duties related to providing citywide emissions surveillance and complaint response. A field inspector is available on a 24-hour basis, on workdays, weekends and holidays, either on active duty, standby, or emergency response mode. In addition to investigating complaints related to air pollution, noise and vibration, field inspectors also respond to incidents involving possible leaking combustible gases and carbon monoxide from residential heating units, as well as providing appropriate assistance to first responders and incident commanders in events involving toxic or hazardous materials releases or spills.

The Enforcement unit is responsible for coordinating all enforcement activities of the AMS program. Cases that are determined appropriate for enforcement action are referred from the compliance evaluation and inspectional units for further action. Activities of the unit include: NOV preparation and issuance; case development and coordination with the city's Law Department; assessment of administrative penalties; negotiation of compliance agreements; enforcement coordination with the U.S. EPA, the Pennsylvania Department of Environmental Protection (DEP), and the city's Environmental Task Force; prosecution of summary violations; and the development of enforcement protocols and procedures.

3. Asbestos Control

The Asbestos Control unit is responsible for implementation and enforcement of local, state and federal requirements applicable to the control of emissions of asbestos and the regulation of the asbestos abatement industry. The unit, pursuant to local delegation of authority from the U.S. EPA, enforces the federal NESHAP for Asbestos at renovation and demolition

sites; and also provides, via interagency agreement, local compliance oversight for the PA Department of Labor & Industry's certification requirements for asbestos workers and supervisors. The Asbestos Control unit also administers and enforces the provisions of the Philadelphia Health Code pertaining to asbestos abatement project workplace standards; licensing of asbestos abatement contractors; certification of asbestos analytical laboratories, project inspectors, and investigators; and review and issuance of permits for major asbestos projects. The unit also develops and provides public distribution of information pertaining to asbestos control program activities and requirements, as well as asbestos-related health and safety advisory information for residents, school students, and building maintenance workers.

B. Technical Services

The AMS Technical Services group, based at the AMS Laboratory, is responsible for operation of the citywide air quality monitoring network; acquisition, quality assurance, and reporting of air quality data; and providing analytical laboratory and analytical methods development support to air quality monitoring activities, special air sampling studies, and to Regulatory Services' compliance assurance sampling and analysis programs. The Technical Services group is comprised of three sections: Air Monitoring, Computer Center, and Analytical Chemistry.

1. Air Monitoring

The Air Monitoring section is responsible for operation and maintenance of the 11 air sampling sites (a twelfth site is being planned and will be added) comprising the citywide air monitoring network including one Ncore-National Core multipollutant monitoring station measuring particles, Ozone, Sulfur Dioxide, Carbon Monoxide, Nitrogen Oxides, Lead and basic meteorology principally support research in air pollution control. The network is designed and equipped with instrumentation to provide measurements of ambient concentrations for seven federally-designated "criteria" air pollutants - air pollutants for which the U.S. EPA has established NAAQS - consisting of Ozone, Sulfur Dioxide, Nitrogen Dioxide, Carbon Monoxide, Lead, PM10 (respirable particulate matter less than 10 microns), and PM2.5 (fine particulate matter/aerosols less than 2.5 microns). The monitoring instruments employed conform with federal reference methods established nationally, and ambient measurements collected are used to determine the city's air quality status with regard to each of the federal NAAQS pollutants. Data from continuous air sampling instruments operated at 5 of the sites are digitally transmitted over telephone lines to the AMS Laboratory, providing real-time access to air quality measurements for the four gaseous pollutants and a surrogate pollutant for particulate matter. The real-time data are employed to provide daily air quality reports to the public using the federal Air Quality Index or AQI. An intensive Photochemical Assessment Monitoring System, or PAMS project, has been instituted as part of a national initiative to measure ozone and ozone precursors during the "ozone season." In Philadelphia, the PAMS project is conducted during the months of June, July, and August at one site, and includes speciation of over 56 distinct organic compounds through analysis by gas chromatography. Air Monitoring is also involved in providing support to special monitoring projects initiated both within AMS, for local air quality impact assessments, and externally by the U.S. EPA and other

organizations, for purposes of monitoring methods development or data gathering for health effects studies or environmental characterizations. AMS also participates in the EPA performance Evaluation Audit (Audit through-the-probe, or TTP) program run by EPA Office of Air Quality Planning and Standards (OAQPS). OAQPS runs the PM2.5 performance evaluation program for AMS. Air Monitoring also maintains and calibrates portable sampling equipment used by inspectional staff within AMS' Regulatory Services and also that used by the Philadelphia Fire Department in responding emergency situations.

2. Computer Center

The Computer Center is responsible for providing data processing services for Technical Services' air monitoring and laboratory operations. These services include management of ESC E-Data Acquisition System, SQL-Server, Oracle Server, File server, and twenty four workstations with PCs... Computer Center personnel are responsible for hardware systems design and construction, program development and implementation, systems maintenance, database management and reporting, and user support through information distribution and training. The majority of the activities of the Computer Center are devoted to supporting the air quality monitoring and data reporting systems required by federal regulations. A gas chromatograph, three liquid chromatographs, and an atomic absorption spectrophotometer are being interfaced with one of the scientific computer systems in order to increase productivity and to ease data analysis and reporting workloads. The Computer Center also provides personal computer (PC) workstations for AMS Laboratory staff for use in word-processing, spreadsheet, and data base applications. These PC systems are used for report writing, fiscal work, and general administrative functions performed at the AMS Laboratory.

3. Analytical Chemistry

The Analytical Chemistry section is responsible for providing a wide range of laboratory services, involving support to air monitoring activities and performance of non-routine chemical analysis projects.

The Calibration unit is responsible for performing required precision and accuracy checks on the air monitoring instruments deployed throughout the citywide network, including maintenance and flow checks on system auto-calibration equipment and performance of annual instrument audits using U.S. EPA-designated audit equipment. The Calibration unit also performs quarterly audits on particulate monitors. Responsibilities extend to general troubleshooting and maintenance of air monitoring equipment.

The General Chemistry unit is responsible for weighing and analysis of filter samples obtained from the particulate monitoring instruments within the citywide network, and for maintaining all required measurement records. In addition to performing gravimetric analysis of filters from PM10 and PM2.5 samplers, filters from high volume air samplers (HVAS), collecting total suspended particulates (TSP), are analyzed for lead plus seven other trace metals (chromium, cadmium, iron, manganese, nickel, zinc, copper). The unit also performs qualitative and quantitative analyses on soils, as well as on samples obtained from special purpose monitors (SPM) deployed for study purposes. The General Chemistry unit maintains

capability for monitoring gross beta-radioactivity on TSP filters, performs measurements of conductivity and pH on precipitation samples collected during significant rainfall events, and conducts analyses of sulfur content in fuel oil samples taken to monitor compliance with the city's sulfur-in-fuel regulations. The unit is also responsible for performing general microscopy work related to identification and analysis of asbestos in bulk material samples collected by inspectors in the Asbestos Control unit; identification of particulate samples taken from areas impacted by soot falls, or other excessive particle deposition incidents, for purposes of determining possible responsible sources; and for providing pollen counts during the ragweed pollen season.

The Air Toxics unit is responsible for collection (via sorbent tubes/canisters), preparation, and identification and analysis, by GC/MS, of air samples for a wide range of trace organic pollutants. Air sampling for formaldehyde (plus six other compounds) is conducted using a separate monitoring method and analysis is performed by high pressure liquid chromatography (HPLC). Air filters from 5 sites are sent to West Virginia for analysis of seven metals (Arsenic, Beryllium, Cadmium, Chromium, Lead, Manganese, and Nickel). The Air Toxics unit has also been involved in providing sample collection and analytical support to community exposure assessments and other special studies related to measuring ambient concentrations of certain toxic organic compounds in the vicinity of industrial or commercial sources.

VI. Program Resources

A. Program Service Locations

AMS Central Office:
 321 University Avenue, 2nd Floor
 Philadelphia, PA 19104
 Telephone (215) 685-7584
 Fax (215) 685-9451 or 685-7593

AMS Laboratory:
 1501 E. Lycoming Street
 Philadelphia, PA 19124
 Telephone (215) 685-1477
 Fax (215) 685-1476

B. Program Budget and Staffing

1. Program Funding: (FY2010, \$Millions)

General Fund	EPA Grants	PA Grant	Title V Fees	Biowatch	Total
2.675	2.675	0.7	0.41	0.441	6.90

2. Program Budget: (FY2010, \$Millions)

Class 100 - Personal Services	5.446
Class 200 - Purchase of Services	0.772
Class 300 - Materials and Supplies	0.196
Class 400 - Equipment	0.245
Class 800 - Payments to Others	0.241

Total

6.900

3. Program Personnel:

General Fund	EPA Grants	PA Grant	Title V Fees	Biowatch	Total
39	23	6	5	2	75

ATTACHMENT B
IMPLEMENTATION PLAN

IMPLEMENTATION PLAN ATTACHMENT B

ANNUAL WORKLOAD PROJECTION

Philadelphia County shall submit an annual plan to the Department for review. The plan shall describe how the County will implement their air pollution program for the following year and shall be submitted by April 30 of the preceding year. For purposes of this agreement, the annual plan will be consistent with the Commonwealth of Pennsylvania's fiscal year which begins on July 1st and ends on June 30th unless this agreement specifically states that the calendar year shall be used. The plan shall provide a workload projection for the following year including but not limited to the number of plan approvals 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 Philadelphia County staff. The plan shall also include major objectives/goals scheduled to be completed during the following year and the expected completion dates. The plan shall be in a format mutually agreed upon by Philadelphia County and PADEP.

EMISSIONS REPORTING

Philadelphia County shall implement an emissions reporting program as follows:

Emission Inventory

Philadelphia County shall maintain a computerized emission inventory for all facilities that are classified as major facilities for Title V, Reasonably Available Control Technology (RACT), NSR, PSD or any other categories of facilities identified by DEP. A current list of categories for the Southeast Region is attached as Appendix 1. DEP will notify Philadelphia County of any changes to the list at least 90 days prior to the next reporting period and allow Philadelphia County 60 days for review and comment. Philadelphia 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 emission rates from each source for CO, NO_x, SO_x, VOC, PM₁₀, PM_{2.5} and the Section 112(b) air toxic pollutants. The inventory shall detail actual throughput rates for each source on a monthly basis unless otherwise agreed upon by DEP and Philadelphia County.

Emission Statements

Philadelphia County shall require an annual emission statement from facilities which emit VOC or NO_x. If the facility category is listed on the exemption list published at 23 Pa. Bulletin 1994-1995, 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 emission rates 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. 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. Philadelphia County shall enter the actual emissions from each facility into the computerized emission inventory on an annual basis.

EMISSION REPORTING REQUIREMENTS

Philadelphia County shall provide the following to DEP on an annual basis using 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 AIRS to the maximum extent possible for this purpose. However, AMS is encouraged to use the DEP's Air Information Management System (AIMS) to meet this requirement.

SOURCE MONITORING

Inspections

Philadelphia County shall conduct at least one Full Compliance Evaluation (FCE) inspection at the Class A facilities and at least one general inspection at the Class B facilities selected for inspection in the annual plan. Philadelphia County will conduct 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 PADEP approved methods.

Complaint Handling

Philadelphia 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 should clearly indicate the results of an investigation. Philadelphia County shall notify complainants regarding the outcome of their complaints as appropriate.

SOURCE MONITORING REPORTING REQUIREMENTS

Philadelphia County shall provide the following to DEP calendar quarterly, within 30 days after the end of each calendar quarter, using a method mutually agreed upon by both agencies. For purposes of this agreement, the first calendar quarter will end on September 30th unless specifically stated otherwise.

1. A list of the 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 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 identified by DEP.

ENFORCEMENT

When non-compliance with any regulation contained in the Pennsylvania SIP is documented, Philadelphia County shall take reasonable and necessary action to achieve compliance including the issuance of notices of violation and enforcement action. DEP recognizes the discretionary nature of enforcement and will rely on Philadelphia County's judgment in determining what level of enforcement is appropriate to the maximum extent possible. If DEP determines that Philadelphia County is unwilling or unable to resolve a violation, DEP may pursue resolution of the violation in accordance with Section 12 of the Pennsylvania Air Pollution Control Act.

Philadelphia 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 Philadelphia County for this purpose.

ENFORCEMENT REPORTING REQUIREMENTS

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

1. A summary of the enforcement actions taken in the calendar quarter.
2. A copy of any enforcement 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.

AMBIENT AIR MONITORING

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

Philadelphia County will provide and maintain real-time access to Philadelphia County air monitoring database as required by DEP for access to air monitoring data and standard reports.

AMBIENT AIR MONITORING REPORTING REQUIREMENTS

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

1. A calendar quarterly report (Quicklook Criteria Parameters AMP 450 & Data Completeness report AMP 430), prepared on a calendar year quarterly basis, verifying ambient air monitoring data submission to the EPA AIRS/AQS database within 90 days after the end of the report calendar 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). Data submitted for the PAMS (enhanced ozone precursor monitoring) network will not be included until notification is provided by DEP to Philadelphia County. At least 90 days notice will be provided by DEP when PAMS data is to be added to this requirement.

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 Philadelphia County and DEP.

3. Provide a copy of the ambient monitoring 5-year network assessment document that is submitted to EPA under the requirements of 40 CFR Part 58, Subpart B, Section 58.10(d) starting with the first assessment due on July 1, 2010.

STACK TESTING REQUIREMENTS

Each stack test required by Philadelphia County shall meet the applicable requirements specified in *25 Pa. Code* Chapter 139 and the latest version of DEP's Source Testing Manual.

STACK TESTING REPORTING REQUIREMENTS

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

1. A copy of the calendar quarterly report submitted to the EPA indicating the tests performed during the calendar 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, Philadelphia County's decision regarding the acceptability of the test results, and Philadelphia County's observation report.

CONTINUOUS EMISSION MONITORING

Philadelphia County shall conduct a continuous emission monitoring program in accordance with *25 Pa. Code* Chapter 139 unless modifications of the requirements are approved by DEP in writing.

CONTINUOUS EMISSION MONITORING REPORTING REQUIREMENTS

Philadelphia County shall provide a list of all monitors approved at the time the Philadelphia County/DEP Implementation Agreement is signed. Philadelphia County shall provide the following to DEP quarterly, within 30 days after the end of each calendar quarter, in a method mutually agreed upon by both agencies:

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

AIR QUALITY PERMITTING

Philadelphia 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. Philadelphia 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.

Philadelphia County's permitting program shall include, without limitation, 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 as specified by DEP;
6. Operating permits to facilities that do not otherwise meet federal permitting requirements but have received previous source operating permits from Philadelphia County or that meet the following actual emissions criteria:

Pollutant	PTE< (TPY)	Actual Emission Rate> (TPY)
CO	100	20
NO _x	25	10
SO _x	100	8
PM ₁₀	100	3
PM _{2.5}	100	3
VOC	25	8
Single HAP	10	1
Multiple HAPs	25	2.5

7. MACT operating permits;
8. Section 111(d) operating permits;
9. RACT operating permits;
10. Best Available Technology permitting requirements in accordance with DEP 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.

Philadelphia County shall participate in the regularly scheduled Title V and Engineering Services staff meetings.

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

Philadelphia County may continue to require permits for sources historically covered by the agency, even when those sources go beyond the criteria described in the Department's published list of Plan Approval and Operating Permit Exemptions.

With respect to the processing of major source new source review for non-attainment pollutants, the review shall be conducted in accordance with Chapter 127, Subchapter E requirements. Philadelphia County shall verify that emission reduction credits (ERC) from sources in Philadelphia County are permanent, enforceable, quantifiable and surplus. Onsite inspections shall be conducted to verify shutdowns. If equipment has not been dismantled or removed, Philadelphia 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 Division of Permits for entry in the ERC registry system.

With regard to Title V, Philadelphia County shall collect the emission fees prescribed in Section 127.705 and shall provide information needed by DEP to evaluate the adequacy of the fee revenues and the proper use of said revenues.

Title V operating permits shall be issued by Philadelphia County in accordance with the Implementation Agreement between the DEP and EPA, Region III. Title V operating permits shall follow the format DEP has developed in consultation with EPA. These permits need not be produced through DEP's Air Information Management System but consideration should be given to its eventual use.

AIR QUALITY PERMITTING REPORTING REQUIREMENTS

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

1. A copy of all draft Title V permits sent to the EPA.
2. A copy of all final Title V permits.
3. Copies of other permits and plan approvals as requested.
4. A list of emission fees collected from Title V facilities.
5. An accounting of how Title V emission fees were used on a calendar quarterly basis. This information shall be submitted within 30 days after the end of the calendar quarter and submitted no later than 100 days after the end of each agreement year.

APPENDIX 1

Guidance for Determining Which Facilities Belong in AIMS for Inventory Purposes

These guidelines are a synthesis of the inventory requirements of Title V, the Annual Inventory, Emission Statements and other regulations that are part of the SIP. The Title V regulations are found in the Pennsylvania Code, Title 25, Chapter 127. The Annual Inventory regulation is found in the Pennsylvania Code, Title 25, Chapter 135.1- 135.5. The Emission Statement regulation is found in the Pennsylvania Code, Title 25, Chapter 135.21. Title V major source definitions can be found in the Pennsylvania Code, Title 25, Chapter 121.1. Exemptions from state operating permits can be found on page 4559 of the September 21, 1996 Pennsylvania Bulletin.

Facilities that wish to generate or trade Emission Reduction Credits (ERC) will need to document emissions. The annual inventory report is one way to document emissions. All facilities have the option of submitting annual inventory reports for ERC purposes. If the facility does not submit annual inventory data, the facility should at least maintain sufficient production records to be able to reconstruct emissions for ERC purposes.

The emissions from any facility that is not required to submit annual inventory forms are captured in the area source inventory, which is calculated using demographics and emission factors. For information on area source inventory, contact the Bureau of Air Quality's Air Information Management Section at (717) 783-9241.

Any emissions that are below the source reporting thresholds for facilities that are subject to the annual inventory will be calculated by the Bureau of Air Quality using emission factors. Facilities have the option of submitting emission estimates for emissions below the source thresholds if the owner/operator of the company's estimate is better than the factor-generated numbers.

A. Title V Facilities

The owners/operators of all Title V facilities must complete the annual inventory reporting forms. Title V facilities are subject because by definition they exceed the reporting thresholds in the Emission Statement and SIP regulations. Inventory information from Title V facilities is used for emission fee purposes and to demonstrate compliance.

Title V facilities report emissions from all sources, as the sources are defined in the Title V permit. In some cases, the Title V permit treats multiple pieces of related equipment as one source. This treatment is negotiated between the facility and DEP inventory and permit staff. Actual emissions of 1.0 tons per year or more per source must be reported for all criteria pollutants and 0.5 tons per year of HAPs, except for the HAPs of special concern listed below. Reports should round to the nearest one-hundredth of a ton. All emissions must be reported source by source, not as site totals. HAPs must be reported individually (speciated). Source by source speciated reporting of HAPs is required for Maximum Achievable Control Technology

(MACT) purposes. In cases where HAPs are also VOCs or particulates, do not subtract the HAP emission estimates from the VOC or particulate emission estimates. The subtraction will be dealt with by the AIMS database.

Based upon the Federal Clean Air Act, Section 112(c)(6), certain pollutants and sources are of special concern. The following thresholds apply for boilers greater than 2.5 MMBtu, incinerators, lead handling operations, and utilities:

Polychlorobiphenols (PCB)	0.01 TPY per source
Lead (Pb)	0.01 TPY per source
Polycyclic Organic Matter (POM)	0.01 TPY per source
Dioxins	0.00001 TPY per source
Furans	0.00001 TPY per source
Mercury (Hg) non-coal fired electric generating units (EGU)	0.0005 TPY per source
Mercury (Hg) coal fired EGUs	0.0001 TPY per source
Mercury (Hg) all other types of sources	0.01 TPY per source

B. Synthetic Minor Facilities

NO_x and VOC data may be required for Emission Statements and ozone calculations. Synthetic minor facilities may be required to complete annual inventory reporting forms when NO_x and /or VOC emissions are generated. Facilities are subject if actual VOC emissions are greater than or equal to 10 TPY for the site and /or if actual NO_x emissions are greater than or equal to 25 TPY for the site. Actual emissions of 1.0 TPY or more per source must be reported for NO_x and/or VOC, whichever made the facility subject to reporting. Reports should round to the nearest one-hundredth of a ton. All emissions must be reported source by source, not as site totals.

For example, if a facility has 12 TPY of actual VOC emissions and 20 TPY of actual NO_x emissions, the facility must report VOCs from any source that emitted 1 TPY or more. Any sources that emit NO_x are not required to be reported, as the facility's NO_x emissions are below the threshold. If the facility has 12 TPY of actual VOC emissions and 26 TPY of actual NO_x emissions, the facility must report VOCs and NO_x.

Emission estimates for other pollutants will be calculated by DEP's AIMS database using emission factors associated with source classification codes (SCC). The facility owner/operator has the option of reporting emission estimates for other pollutants if the facility's estimates are better than the SCC-based calculations.

Synthetic minor facilities must certify and/or demonstrate that the permit caps have not been exceeded. The certification/demonstration does not require source by source reporting of operating data and emission estimates using the annual inventory forms. The facility has the option of completing the annual inventory forms to demonstrate compliance with the caps for any pollutants. If the facility does not submit annual inventory forms, the facility owner/operator must arrange with Philadelphia County or DEP regional staff for an alternate

demonstration of synthetic minor status. The regional staff will use the demonstration data to calculate site total emission estimates and enter these estimates into AIMS. If an existing permit caps a specific source, emissions from the capped source would have to be reported separately from any site totals. Electronic submission of alternate demonstration data may not be possible.

C. Natural Minor with a State Operating Permit

NOx and VOC data may be required for Emission Statements and ozone calculations. The owners/operators of natural minor facilities with operating permits may be required to complete annual inventory reporting forms when NOx and/or VOC emissions are generated. Facilities are subject if actual VOC emissions are greater than or equal to 10 TPY for the site. Facilities are also subject if actual NOx emissions are greater than or equal to 25 TPY for the site. The facility owner/operator must report only NOx and/or VOCs, whichever made the facility subject to reporting. Actual emissions of 1.0 ton per year or more per source must be reported for all criteria pollutants and 0.5 tons per year of HAPs. Reports should round to the nearest one-hundredth of a ton. All emissions must be reported source by source, not as site totals. See the example for Synthetic Minors. Emission estimates for other pollutants will be calculated by the AIMS database using SCCs. The facility has the option of reporting emission estimates for other pollutants if the facility's estimates are better than the SCC-based calculations.

If the facility only generates SOx, PM, CO and/or HAPs, or if the facility generates NOx and VOC and both are below the thresholds, the facility is not subject to the inventory.

D. Natural Minors Exempted from State Operating Permit

These facilities are not required to submit annual inventory forms. The emissions from these facilities are captured in the area source inventory.