

December 13, 2018

### **Remarks for Public Comment**

ACHD Public Hearing  
Allegheny County Health Department  
301 39th Street, Bldg #7  
Pittsburgh, PA 15201-1811

Thank you for holding this hearing. I appreciate the opportunity to comment on proposed modifications to Allegheny County Health Department Article XXI, that will revise §2102.06, ‘Major Sources Locating in or Impacting a Nonattainment Area,’ and related §2101.20, ‘Definitions’ and corresponding sections of County Ordinance 16782.

It is about time that Allegheny County Health Department is finally getting around to protecting the health of county residents by coming into compliance with these required updates to the Clean Air Act. These updates have been and are fairly straightforward, and it is therefore puzzling as to why it is taking so long to getting around to protecting the public by meeting EPA requirements.

Allegheny County, an area designated as nonattainment for the 2012 PM<sub>2.5</sub> NAAQS, (with an effective date of April 15, 2015) was required to submit a Moderate area attainment plan to EPA no later than October 15, 2016. The County has still not met this deadline despite it being two years past the due date.

Allegheny County has ended up on a what can be described as a rogue list that was published in the Federal Register on April 6, 2018 entitled, “Findings of Failure To Submit State Implementation Plan Submissions for the 2012 Fine Particulate Matter National Ambient Air Quality Standards (NAAQS).”<sup>1</sup>  
Allegheny County has failed to submit the following:

- Emissions inventory
- Control strategy, including RACM/RACT
- Attainment demonstration
- RFP (Moderate)
- Quantitative milestones
- Contingency measures
- Nonattainment NSR program

These sections appear a large blank spots on a chart visible on an EPA Website for the status of state implementation plans, each blank spot followed by the label “failure to submit,” as I have reproduced below.

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<sup>1</sup> “Findings of Failure To Submit State Implementation Plan Submissions for the 2012 Fine Particulate Matter National Ambient Air Quality Standards (NAAQS),” 83 FR 14759, pp. 14759-14762, CFR:40 CFR 52, Agency/Docket Numbers: EPA-HQ-OAR-2018-0135, FRL-9976-35-OAR, Published April 6, 2018.

Status of SIP Required Elements for Pennsylvania Designated Areas, As of 12/12/2018

| <b>Pennsylvania: PM-2.5 (2012) / Allegheny County</b> |                 |                       |                      |                              |                                                    |
|-------------------------------------------------------|-----------------|-----------------------|----------------------|------------------------------|----------------------------------------------------|
| <b>SIP Requirement</b>                                | <b>Deadline</b> | <b>Submittal Date</b> | <b>Latest Action</b> | <b>Date of Latest Action</b> | <b>FR Citation<br/>Click to view<br/>FR notice</b> |
| Emission Inventory (Moderate)                         | 10/15/2016      |                       | Failure to submit    | 05/07/2018                   | <a href="#">83 FR 14759</a>                        |
| RACM/RACT (Moderate)                                  | 10/15/2016      |                       | Failure to submit    | 05/07/2018                   | <a href="#">83 FR 14759</a>                        |
| Attainment Demonstration (Moderate)                   | 10/15/2016      |                       | Failure to submit    | 05/07/2018                   | <a href="#">83 FR 14759</a>                        |
| RFP (Moderate)                                        | 10/15/2016      |                       | Failure to submit    | 05/07/2018                   | <a href="#">83 FR 14759</a>                        |
| Quantitative Milestones (Moderate)                    | 10/15/2016      |                       | Failure to submit    | 05/07/2018                   | <a href="#">83 FR 14759</a>                        |
| Contingency Measures (Moderate)                       | 10/15/2016      |                       | Failure to submit    | 05/07/2018                   | <a href="#">83 FR 14759</a>                        |
| Nonattainment NSR (Moderate)                          | 10/15/2016      |                       | Failure to submit    | 05/07/2018                   | <a href="#">83 FR 14759</a>                        |

[https://www3.epa.gov/airquality/urbanair/sipstatus/reports/pa\\_elebypoll.html](https://www3.epa.gov/airquality/urbanair/sipstatus/reports/pa_elebypoll.html)

Because Allegheny County Health Department has failed to act to protect residents by not completing its required portion of the State Implementation Plan for PM 2.5, our County is at risk of being sanctioned by the EPA. If Allegheny County’s portion of the SIP has not addressed this deficiency within 18 months of May 7, 2018 (November 7, 2019), our county will be subjected to additional emissions offset sanctions.<sup>2</sup> Additionally, if the County does not address these deficiencies within 6 months after the offset sanction is imposed, or the submission has not become operational 6 months after submission, then the highway funding sanction will apply.<sup>3</sup>

One needs to ask the question, how can we trust the Allegheny County Health Department to protect our health when it appears that they do not take seriously the deadlines to update required Clean Air Act fundamental documents? Why does it take public shaming, with labels of “failure” on national publications and websites, with threats of sanctions, to get ACHD to do a job that should be routine and straightforward? Whose interests are really being looked after in this situation?

Thank you for your time and consideration.

Sincerely,

Matthew M. Mehalik, Ph.D.

<sup>2</sup> Pursuant to CAA section 179(a) and (b) and [40 CFR 52.31](#), the emissions offset sanction identified in CAA section 179(b)(2) will apply in the affected nonattainment area.

<sup>3</sup> In accordance with CAA section 179(b)(1) and [40 CFR 52.31](#).