



GROUP AGAINST SMOG & POLLUTION

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June 11, 2019

VIA EMAIL

Allegheny County Health Department
Air Quality Program
301 39th St., Bldg. 7
Pittsburgh, PA 15201
aqcomments@alleghenycounty.us

Re: Comments of Group Against Smog and Pollution, Regarding the Proposed Revision to the Allegheny County Portion of the Pennsylvania State Implementation Plan and Attainment Demonstration for the Allegheny County, PA PM2.5 Nonattainment Area, 2012 NAAQS

Dear Sir or Madam:

Please accept these comments regarding the Proposed Revision to the Allegheny County Portion of the Pennsylvania State Implementation Plan and Attainment Demonstration for the Allegheny County, PA PM2.5 Nonattainment Area, 2012 NAAQS, which I am submitting on behalf of the Group Against Smog and Pollution (“GASP”). According to the notice posted on its website, the Allegheny County Health Department is accepting comments on the Installation Permits through 6:00 pm on June 11, 2019.

Very truly yours,

/s

John K. Baillie
Senior Attorney

**COMMENTS OF THE GROUP AGAINST SMOG AND POLLUTION
REGARDING THE PROPOSED REVISION TO THE ALLEGHENY COUNTY
PORTION OF THE PENNSYLVANIA STATE IMPLEMENTATION PLAN
AND ATTAINMENT DEMONSTRATION FOR THE ALLEGHENY COUNTY, PA
PM2.5 NONATTAINMENT AREA, 2012 NAAQS**

In 2012, the United States Environmental Protection Agency (“EPA”) revised the primary National Ambient Air Quality Standard for fine particle pollution (“PM2.5”) to require that the three-year average of the annual arithmetic mean concentration of PM2.5 not exceed 12.0 µg/m³ (the “2012 PM2.5 Standard”).¹ In 2015, EPA designated Allegheny County as a moderate nonattainment area of the 2012 PM2.5 Standard.² Accordingly, Allegheny County must attain the 2012 PM2.5 Standard by December 31, 2021.³ One monitoring site in Allegheny County, the monitor in Liberty Borough, has never monitored PM2.5 concentrations that would attain the 2012 PM2.5 Standard, while the other sites in the County have, for at least the last several years, monitored PM2.5 concentrations that would attain the standard.⁴

The Allegheny County Health Department’s (“ACHD”) Proposed 2012 PM2.5 SIP Revision (the “Proposed SIP Revision”) predicts that the annual arithmetic mean of PM2.5 concentrations at the Liberty monitor will not attain the 2012 PM2.5 Standard until the 2021 attainment date, and then will only just attain the standard.⁵ Thus, the Proposed SIP Revision provides no margin for error in its attainment demonstration. Despite this, no new controls or limits on emissions of PM2.5 or its precursors will be imposed in Allegheny County in connection with the SIP revision.

¹ *National Ambient Air Quality Standards for Particulate Matter*, 78 Fed. Reg. 3086, 3086 (Jan. 15, 2013).

² *See* ACHD Draft PM2.5 2012 NAAQS SIP (Apr. 22, 2019), at 4.

³ *See id.*

⁴ *See id.*, at 50 (Table 7-5).

⁵ *See id.*

I. THE PROPOSED SIP REVISION'S CONTINGENCY MEASURES ARE INADEQUATE

The Clean Air Act requires that every State Implementation Plan ("SIP") revision for a nonattainment area identify "specific measures" that the State will take if the area fails to attain a National Ambient Air Quality Standard ("NAAQS") by the relevant attainment date. Such measures must take effect "without further action by the State or the Administrator."⁶

Because the Proposed SIP Revision predicts that PM_{2.5} concentrations at the Liberty monitor will only just barely attain the 2012 PM_{2.5} Standard by the 2021 attainment date, and because no new controls or limits will be imposed to reduce PM_{2.5} emissions, the contingency measures in the Proposed SIP Revision may need to be invoked. However, it does not appear that they comply with the requirements of the Clean Air Act.

Allegheny County's Proposed SIP Revision states that if all areas of Allegheny County do not attain the 2012 PM_{2.5} Standard by the attainment date, ACHD will initiate "a new wood burning curtailment campaign," which would include "new wood stove change-out or 'bounty programs,' additional educational and community outreach programs, and/or an enhanced Air Quality Action Day program."⁷ The "enhanced Air Quality Action Day Program" purportedly would allow ACHD to declare an Air Quality Action Day based on "lower," but unspecified, predicted concentrations of PM_{2.5} in the ambient air, and thereby prohibit outdoor wood burning on days when such concentrations are predicted.⁸ The Proposed SIP Revision also states that ACHD will impose additional controls on any sources that it determines are contributing to

⁶ See Clean Air Act § 172(c)(9), 42 U.S.C. § 7502(c)(9); see also 40 C.F.R. § 51.1012 (implementing this requirement in the specific context of plan revisions for areas not in attainment of the PM_{2.5} NAAQS).

⁷ See ACHD Draft PM_{2.5} 2012 NAAQS SIP (Apr. 22, 2019), at 51-52.

⁸ See *id.*, at 52.

monitored exceedances of the 2012 PM_{2.5} Standard after the attainment date.⁹ No other putative contingency measures are identified by the Proposed SIP Revision.

The contingency measures in the Proposed SIP Revision do not meet the requirements of Clean Air Act section 172(c)(9) or 40 C.F.R. § 51.1012. The “new wood burning curtailment campaign” is not “specific” enough to qualify as a “contingency measure” because it does not specify what the parameters of the program would be. For example, the Proposed SIP Revision does not estimate the number of wood stoves and boilers ACHD will need to remove from service or replace in order to attain the 2012 PM_{2.5} Standard or establish that that many stoves and boilers actually exist in Allegheny County. Further, the Proposed SIP Revision does not estimate how much the removal of those stoves and boilers is expected to cost, whether ACHD has funds available to meet that cost, or whether ACHD has the legal authority to compel stove and boiler owners to sell their stoves and boilers if necessary to demonstrate compliance with the 2012 PM_{2.5} Standard.

The “enhanced” Air Quality Action Day program also fails to qualify as a “contingency measure” because it is not specific and would require significant further action by ACHD to implement. ACHD’s existing air quality regulations allow it to declare an “Air Quality Action Day,” and thereby prohibit outdoor wood burning, on days when ambient concentrations of particulate matter “might reach unhealthful levels or exceed the [NAAQS].”¹⁰ The “enhanced” program “would declare an action day for lower levels of predicted PM_{2.5} concentrations.”¹¹ The Proposed SIP Revision fails as a “contingency measure” because it does not specify what “lower level of prediction PM_{2.5} concentration” would allow ACHD to trigger the program.

⁹ *See id.*

¹⁰ *See* Article XXI, § 2101.20 (defining “Air Quality Action Day”) and § 2105.50 (prohibiting outdoor wood burning on Air Quality Action Days).

¹¹ ACHD Draft PM_{2.5} 2012 NAAQS SIP (Apr. 22, 2019), at 52.

The program also fails as a “contingency measure” because it would require significant further action by ACHD to implement – ACHD would need to amend the existing definition of “Air Quality Action Day” in its air quality regulations to include days on which ambient concentrations of particulate matter threatened to exceed whatever unspecified concentration (albeit lower than the NAAQS) that triggers the program.

Finally, the culpability analysis described by the Proposed SIP Revision fails as a “contingency measure” because it would require significant further action by ACHD, including: review of facility operating conditions, analysis of monitored data, analysis of meteorological data, local source monitoring, and source apportionment analysis.¹² Further, because the measures to be taken as a result of such an analysis are unknown until the analysis is completed, they cannot be specified, and thus do not qualify as “contingency measures.”

II. THE EMISSIONS INVENTORY DATA USED IN THE PROPOSED SIP REVISION’S ATTAINMENT DEMONSTRATION MUST INCLUDE EMISSIONS IN EXCESS OF PERMIT LIMITS FROM U.S. STEEL’S CLAIRTON PLANT

A SIP revision for an area designated as nonattainment for the PM_{2.5} Standard must include an attainment demonstration that contains the “inventory data, modeling results, and emission reduction analysis on which the State has based its projected attainment date.”¹³

Further, such a demonstration must comply with the requirements in Appendix W to 40 C.F.R. Part 51.¹⁴ Appendix W requires that emissions from point sources should generally be modeled

¹² See ACHD Draft PM_{2.5} 2012 NAAQS SIP (Apr. 22, 2019), at 52 (describing the steps involved in such a culpability analysis).

¹³ 40 C.F.R. § 51.1007(a).

¹⁴ See *id.*

at design capacity,¹⁵ but provides that if such a source exceeds permit limits due to “poor maintenance, careless operation, or other preventable conditions,” such excess emissions should be modeled.¹⁶ Appendix W also provides that “[e]missions from area sources should generally be based on annual average conditions,”¹⁷ and does not state that emissions in excess of permit limits be disregarded.

The PM2.5 monitor in Liberty Borough records the highest concentrations of PM2.5 in Allegheny County, with recurring peak concentrations that are significantly higher than those recorded by other monitors in the County.¹⁸ Indeed, the annual and 24-hour design values for PM2.5 for the Liberty monitor are the only ones in the County that do not attain the 2012 PM2.5 Standard. Presumptively, the excess PM2.5 that causes such high concentrations at the Liberty monitor comes from U.S. Steel’s Mon Valley Works Clairton Plant. The Clairton Plant is by far the most significant source of primary PM2.5 emissions near the Liberty monitor.¹⁹ Moreover, the annual Title V compliance certifications submitted by the Clairton Plant show that it frequently violates limits on emissions of particulate matter, and that those violations are often the result of “poor maintenance, careless operations, and other preventable conditions.”

Accordingly, the emissions inventory for the Clairton Plant used in the Proposed SIP Revision’s attainment demonstration should include excess emissions resulting from the Plant’s violations of permit limitations. It is not clear, however, that they do.²⁰ Not modeling excess emissions from the Clairton Plant would tend to cause the modeled concentrations of PM2.5 at

¹⁵ See 40 C.F.R. Part 51, Appendix W, § 8.1.2(a).

¹⁶ See *id.*, § 8.1.2(a), note a.

¹⁷ *Id.*, § 8.1.2(i).

¹⁸ ACHD Draft PM2.5 2012 NAAQS SIP (Apr. 22, 2019), at 9-11.

¹⁹ See *id.*, at 14.

²⁰ ACHD Draft PM2.5 2012 NAAQS SIP (Apr. 22, 2019), App. D, at 2-4 (describing the development of the future case emissions inventory for the Clairton Plant).

the Liberty monitor to be understated, and would thus result in a false attainment demonstration. ACHD should confirm that the emissions inventory used in the Proposed SIP Revision's attainment demonstration include excess emissions for the Clairton Plant, and, if not, revise them.