



A REPORT OF THE
ENVIRONMENTAL AIR QUALITY
TASK FORCE

DECEMBER 21, 2009

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Task Force Members

- Bob Lewis, CEO of Orbital Engineering, Chair
- Chester R. Babst, Babst, Calland, Clements & Zomnir, P.C.
- Ken Bowman, Southwest Regional Director, Pennsylvania Department of Environmental Protection (retired)
- The Honorable James Brewster, Mayor, City of McKeesport
- The Honorable Joan Cleary, Allegheny County Council and Allegheny County Board of Health
- Rachel Filippini, Executive Director, Group Against Smog & Pollution
- Court Gould, Executive Director, Sustainable Pittsburgh
- Paul M. King, Chairman, Allegheny County Board of Health
- Kathryn Zuberbuhler Klaber, Executive Vice President, Competitiveness, Allegheny Conference on Community Development and Managing Director, Pennsylvania Economy League
- Deborah Lange, Executive Director, Steinbrenner Institute for Environmental Education & Research, Carnegie Mellon University
- Prof. George Leikauf, Professor of Environmental and Occupational Health, Graduate School of Public Health, University of Pittsburgh
- Jacques L. Moye, Sr., CPA, Esq.
- Joseph P. Pezze, QEP, Principal, The Hillcrest Group, LLC
- Heather Sage, Vice President, Citizens for Pennsylvania's Future (PennFuture)
- Mary Esther Van Shura, Director of Community Affairs, Office of the County Executive

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EXECUTIVE SUMMARY

Charged by Allegheny County Executive Dan Onorato to make recommendations to improve regional air quality, increase services to stakeholders, and identify operating efficiencies, the Environmental Air Quality Task Force engaged in an intense scrutiny of the current organizational design of the Allegheny County Bureau of Air Quality (“Air Bureau”), as well as its regulations, processes related to permitting and appeals, and compliance monitoring and enforcement programs to develop recommendations within the context of the charge.

While the primary focus of the review was the development of recommendations to improve operating effectiveness and efficiencies, the Task Force acknowledges a number of efforts already implemented in this regard by the administration and Board of Health. Moreover, the Task Force recognizes the level of professionalism now being promoted by the Air Bureau, as evidenced by an increased focus on attracting and retaining professionals through competitive salaries, the development of measurable objectives for professionals within the Air Bureau, increased commitment to staff training, and the development of processes that create greater transparency.

In addition, the commitment of the Air Bureau to use contracted services for permitting has resulted in a reduction in the significant backlog in processing permit applications that has occurred over the last decade. The Air Bureau also has demonstrated an ability to identify and develop programs that have improved air quality in Allegheny County (e.g., programs to reduce emissions from diesel engines and equipment and programs that promote a retrofit of diesel fleets by school bus operators serving school districts).

While the Task Force acknowledges the aforementioned efforts and successes, the Task Force finds that the following primary actions need to be taken to ensure the efficient and effective management of air quality in Allegheny County:

County Regulations

- Revise Article XXI of the County Code to solely provide for the adoption by reference of State regulations;
- Adopt a new Article of the County Code to identify County provisions that are more stringent than State requirements.

Permitting

- Adopt permitting procedures developed by the State Department of Environmental Protection (DEP) that are designed to promote certainty, efficiency, and transparency;
- Develop aggressive schedules to eliminate the existing backlog of pending operating and construction permit applications;
- Establish a 90% threshold for the timely issuance of operating and construction permits and Requests for Determination on an annual basis with the understanding that if this level is not maintained at the conclusion of each calendar year, the permitting function should be transferred to the State.

Appeals

- Seek the prompt revision of State law to allow the Environmental Hearing Board to hear and decide appeals from County permits.

Air Quality Monitoring

- Integrate the County air monitoring reporting system with the DEP system so that County data is available on a “real time” basis, or transfer the criteria pollutant monitoring responsibility to DEP;
- Conduct a comprehensive, independent evaluation of the Air Bureau’s air monitors.

Enforcement

- Inspect all major sources at least once per year and minor sources at least once every two years.

Organizational Design

- Retain the Air Bureau within the current organizational design of the Allegheny County Health Department, provided that the suggested modifications of the Task Force to increase effectiveness and efficiency as set forth in this Report are successfully implemented in a timely manner;
- Immediately start identified renovations of the Air Bureau offices and address other operational issues that compromise daily operations;
- Promote needed accountability and responsibility of the Manager of the Air Bureau by transferring full responsibility for fiscal management from the administrative branch of the Department of Health to the Bureau of Air Quality.

Task Force

- Retain the Task Force to review the status of recommendations as provided by the Air Bureau on a quarterly basis and annually recommend appropriate actions to the County Executive.

The Task Force recognizes that the recommendations it is making in this report will require resources and money. It also recognizes that the proposed timing for accomplishing the recommended changes is compressed, and that many tasks must be pursued concurrently. Although it is beyond the scope of the Task Force charge to determine how these resources can be obtained or where the required funds can be accessed, it is recognized that large surpluses exist in both the Title V and Clean Air Funds. These Funds are restricted in nature, but it would appear that many of the recommendations would fall within the permitted use of one or both of the Funds. Moreover, effective use of outsourcing could help address the resource issue.

Because the recommendation of the Task Force to retain the Air Bureau within the current organizational design of the Allegheny County Health Department (ACHD) is dependent upon implementing the actions described above, it is proposed that the Task Force continue in its advisory role and evaluate the air quality management program on a calendar basis. If the fundamental changes identified in this Report cannot be achieved in a timely manner, the Task Force is prepared to modify its recommendation to the County Executive, whereby the Air Bureau would be reorganized within the County structure, or some or all of the current areas of responsibility would be transferred to the State Department of Environmental Protection.

OVERVIEW OF THE PROCESS

On August 28, 2008, County Executive Dan Onorato created an Environmental Air Quality Task Force, composed of representatives of environmental/public health groups, business, government, and academia (“Task Force”), to review the functions of the County’s air quality program and to make recommendations to increase service to stakeholders, and identify operating efficiencies. The critical functions of air quality management currently are handled by the Air Bureau which is organized and operated under the ACHD. The City of Philadelphia is the only other area within the Commonwealth where air quality management is handled at the local level. The Pennsylvania Department of Environmental Protection (“DEP”) has oversight responsibility for Allegheny County and Philadelphia, and primary responsibility for air quality management for all other areas of Pennsylvania. Given the interdependence of the County and State governments with respect to air quality management, it was the charge of the County Executive for the Task Force to identify the most effective management design to meet the needs of our community.

After reflection on this primary charge, the Task Force achieved a consensus that it would endeavor to work to make a recommendation after careful analysis of the Air Bureau’s operations that would promote one of the following options:

- Retain the Air Bureau within the current organizational design of the Allegheny County Health Department after modifications to increase effectiveness and efficiency.
- Restructure the Air Bureau as an independent department reporting directly to the County Executive so as to better implement modifications to increase effectiveness and efficiency.
- Transfer the responsibilities of the Air Bureau to the DEP; or
- Develop a bifurcated design that retains aspects of the operations within the County jurisdiction while other aspects of the operation would be transferred to the DEP.

To facilitate this decision, the members of the Task Force focused on four primary air management functions:

- Analysis of the current organizational design and costs to determine efficiency and effectiveness;
- Assessment of the effectiveness of the County regulations, including an evaluation of the benefits and detriments of the existing differences with State and federal regulations and the impact of these differences on the County's regulated community;
- Investigation of the County's performance in issuing construction and operating permits and the effectiveness of the appeal process; and
- Review of the level of compliance with federal, State, and County regulatory standards and federal Ambient Air Quality Standards and effectiveness of the County's enforcement program.

Within the process of inquiry, it was deemed appropriate that the Task Force would review each of the listed air management functions and determine the following levels of efficiency and effectiveness with respect to the County's current Air Bureau:

- Standards of operation facilitate an efficient and effective operation.
- Standards of operation challenge the delivery of an effective and efficient operation.
- Standards compromise the delivery of an effective and efficient operation.

Where the Task Force determined that the highest levels of efficiency and effectiveness were not evident, options were identified and discussed to address each area of concern. Based upon the consensus reached by the majority of the Task Force, recommendations have been included in this final report to the County Executive.

COUNTY REGULATIONS

Findings

Over the years, the Air Bureau has developed its own set of air quality regulations, which are contained in Article XXI of the Allegheny County Health Department Regulations. Like Title 25 of the Pennsylvania Code (“25 Pa. Code”), the County regulations are designed to attain and maintain National Ambient Air Quality Standards (“NAAQS”) and to otherwise regulate the emission of air contaminants in Allegheny County. By law, the County Regulations may not be less stringent than State and federal requirements. In this regard, without undertaking a comprehensive review of the County and State regulations, the Task Force found two examples of County regulations that do not appear to meet State standards.

The existence of separate sets of State and County air quality regulations also creates an added issue for the regulated community to deal with in connection with construction and operating permitting and in determining what is required for purposes of maintaining a compliant facility. The lack of a cross-referenced document to guide the regulated community, the absence of a delineation of County regulations that substantively differ from State regulations, and the lack of a defined process to ensure compliance with both standards may, in some cases, create a burden which results in permit delays and causes uncertainty in determining compliance.

The County’s ability to adopt regulations that are more stringent than State standards in order to meet the public health requirements of the County is an important element of the County’s air management program. However, the existence of standards that are less stringent than State standards and the lack of certainty for the regulated community in determining what County regulations are more stringent than State standards must be addressed.

Conclusion:

Standards of operation challenge the delivery of an effective and efficient operation.

Recommendations for Regulations:

1. Revise Article XXI to adopt the State regulations at 25 Pa. Code, Sections 121-129 and 131-145 by reference ;
2. Adopt a separate Article that would contain County provisions that are more stringent than State requirements.

The adoption of the State regulations would immediately cure any current deficiencies where County standards are less stringent than State standards. Also, it would ultimately provide the regulated community with clarity and certainty by specifically identifying those requirements that are more stringent than State standards. In this regard, the Task Force recognizes that the process to identify those existing regulations that are more stringent than State regulations will be a significant undertaking. A “first cut” at making these determinations was published in November 2007. However, it is suggested that a more comprehensive evaluation designed to implement the recommended change should be contracted to a third party , which should be followed by a public hearing and public comment period before being submitted to DEP for approval. One of the important objectives of this process would be to ensure that this restructuring of the County regulations would not result in “backsliding,” as that term is defined by USEPA.

The majority of the Task Force endorses this recommendation. It is their belief that this course of action will correct existing deficiencies where current County regulations are “less stringent” than State standards while eliminating confusion regarding the applicability of County or State requirements. Moreover, although the initial effort to evaluate County and State requirements may require Air Bureau resources, in the future it will eliminate the County from having to amend Article XXI each time the State has a regulatory change.

A minority of the Task Force favored an approach whereby Article XXI would be modified to correct deficiencies in which County standards are “less stringent” than State standards, but would otherwise be retained. Under this approach, a document would be developed to cross reference differences between Article XXI and 25 Pa. Code. The minority expressed concerns that the recommended course of action may allow “backsliding” of existing County standards and that the approach would be least disruptive to the Air Bureau. The majority believes the recommended action can be carried out without the “backsliding” of existing County standards and, for the reasons stated above, believes the minority’s proposal would require the same in-depth analysis of County and State regulations and would be a greater long-term burden on Air Bureau resources.

PERMITTING

Introduction

Before a new air emission source can be installed or an existing air emission source can be modified or reconstructed, the owner/operator must apply for and receive authorization in the form of an installation permit from the Air Bureau. In addition, operating permits for major (Title V) and minor sources must be obtained from the Air Bureau. The transparency of the permitting process and the efficiency and timeliness of processing permit applications and issuing permits are critical factors in evaluating the effectiveness of an authority's overall permit program.

County Performance

The Air Bureau has indicated that it has devoted most of its resources to processing Installation Permits and recent examples of timely permit issuance such as the US Steel Coke Battery permit are commendable. Nevertheless, it would appear that members of the regulated community still believe that County permitting procedures provide no certainty in terms of the timing of the permit process and there is less transparency regarding the process than is available through the State process.

From an operating permit perspective, the Air Bureau has processed 50% (170 of 340) of the minor source operating permit applications which were filed in 1996. By comparison, the DEP has issued 94% of the minor source permits it is responsible for processing. It should be noted that last year, in an effort to address the significant backlog of minor source applications, the County engaged the services of an independent environmental engineering firm, which has resulted in a significant improvement in issuing permits.

With respect to the major source (Title V) operating permit process, the Air Bureau had issued 29 Title V permits and had 9 pending applications as of May 2009. Applications for these permits were filed with the Air Bureau in 1995 and no new Title V sources have filed applications since that time. By comparison, the DEP has issued 98% of all initial Title V permit applications, including applications filed after the mandatory filing date.

Findings:

Issuing operating permits in a timely manner is important to the citizens of Allegheny County and to the regulated community. For example, sources with Title V permits must issue semi-annual deviation reports and certify compliance on an annual basis. These requirements are significant enhancements for assuring compliance and public awareness. The delay in issuing all Title V permits deprives the County of the full benefit of the requirements. In addition, Compliance Assurance Monitoring (“CAM”) requirements are required in the first reissuance of a Title V permit. These enhanced monitoring requirements are intended to better assure continuous compliance and assist in the effective enforcement of applicable air requirements. Because no Title V permits in Allegheny County have been reissued, no CAM programs are in place for County air emission sources.

The Air Bureau’s permit program, at a minimum, lacks procedures to consistently ensure prompt processing of permits and lacks the level of transparency that is available under the State program. The absence of any timelines for processing installation permit applications is a detriment for encouraging the construction of new sources and the modification or reconstruction of existing sources in Allegheny County, and the lack of transparency prevents meaningful public involvement and input.

Conclusion:

The permitting process compromises the delivery of an effective and efficient operation.

Recommendations for Permitting:

1. By June 30, 2010, the Air Bureau should adopt DEP permitting procedures designed to promote efficiency and transparency (i.e., Money-Back Guarantee Program and eFACTS).

2. Aggressive schedules should be adopted to promptly complete the initial issuance of operating permits for all major (Title V) and minor sources in Allegheny County (e.g., December 31, 2010), and for prompt reissuance of these permits by the end of their 5-year terms.

3. Installation permits should be processed following DEP's Money-Back Guarantee Program.

4. The use of outside contractors should be terminated upon compliance with Recommendation 2 above.

5. If the Air Bureau is not able to achieve and maintain compliance with the requirements set forth in Recommendations 2 through 4 above, it is recommended that the permitting function and procedures be transferred to the DEP. Evaluation of compliance should be assessed by the County Executive following consultation with the Task Force each January for the prior calendar year. An evaluation of performance in issuing Installation Permits should begin in January 2011, and an evaluation of Operating and Installation Permits should begin in January 2012. Inability to remain current with all major source permits and at least 90% of all permits and Requests for Determination shall be deemed unacceptable, absent extenuating circumstances. If acceptable compliance is not achieved, transfer should take place as of July 1 of the current year.

APPEALS

Findings:

The County's appeals process is set forth in Article XXI of the ACHD Rules and Regulations. The process differs significantly from the appeals processes adopted by the State. These differences result in a process that is more difficult to access and less transparent, and provides less certainty in terms of timing and results. For example, an aggrieved party in Allegheny County has only ten (10) days from receiving notices that a permit has been issued to file an appeal. By contrast, the State and the City of Philadelphia provide thirty (30) days to file an appeal. It is the opinion of the Task Force that this shortened period makes it difficult for the public to meaningfully participate in the appeals process.

Appeals of State permits go to the Environmental Hearing Board ("EHB"), an independent body with hearing examiners to decide issues of fact and law. The County process mandates appeals to be heard by the Director of the ACHD. Unlike the EHB administrative law judges, the Director of the ACHD is not required to be a lawyer or to otherwise have any training in conducting a hearing or determining issues of fact and law.

An effective permit appeal process provides a mechanism to move issues to resolution. The current list of active appeals in Allegheny County illustrates the complete lack of structure that an EHB appeal provides. Because there is no independent body pushing both parties to a hearing on the merits of the appeal, the County process lacks any incentive for parties to work toward resolution of issues and leaves the regulated community with no degree of certainty in terms of the time-frame for processing an appeal. While the Task Force recognizes the broad knowledge base of the current Director, it is believed that a system with independent reviews would enhance the integrity of the process and provide precedent-setting decisions to provide greater clarity and transparency.

A further illustration of the systemic problem with the County appeal process is the fact that there does not appear to be any reported decisions from hearings before the Director. Thus, unlike the EHB process at the State level, which includes written opinions upon which interested parties can rely and which help to ensure consistency, the County process provides no guidance or certainty for the regulated community.

Finally, an appeal from a decision by the Director must be taken to the Court of Common Pleas for a trial de novo, adding additional time and uncertainty to the overall process. By contrast, under the State process, an appeal of a decision of the EHB goes directly to the Commonwealth Court, a body with experience in dealing with environmental issues.

Conclusion:

The appeals process compromises the delivery of an effective and efficient operation.

Recommendations for the Appeals Process:

1. The County should seek the prompt revision to State law to allow the EHB to hear and decide appeals from County permits. In this regard, it should be noted that the Task Force actively supports this effort and is prepared to leverage its collective resources to support the County in requesting the State legislature to revise State law to extend the jurisdiction of the EHB to determine County appeals.
2. A thirty (30) day appeal period should be adopted by the ACHD.

COMPLIANCE, MONITORING AND ENFORCEMENT

Introduction:

Each state and local air agency is required to develop and implement a plan to attain and maintain National Ambient Air Quality Standards (“NAAQS”) for criteria pollutants. The NAAQS are established by the USEPA and are designed to protect public health and welfare. The compliance plan is referred to as the State Implementation Plan (“SIP”) and is implemented through the promulgation of regulatory standards. All SIPs must be submitted for approval to the USEPA, and each air agency is charged with enforcing the requirements of the SIP, subject to USEPA oversight.

Each State and local agency also is required to maintain and operate an air monitoring network to determine NAAQS compliance and to otherwise assess pollutants of concern. The Task Force reviewed the status of the County’s compliance with NAAQS, as well as the effectiveness of the County’s monitoring and enforcement programs.

Compliance with National Ambient Air Quality Standards

Attainment Status

Allegheny County is part of multi-county non-attainment areas for ozone and for fine particulates, and includes another separate non-attainment area for fine particulates. The local Liberty-Clairton area, which is located within the five-county region, is listed separately as a non-attainment region for fine particulates. The County currently is classified as attainment or “unclassifiable” for all other criteria pollutants. These “nonattainment” designations can present barriers for economic development, inasmuch as new and existing industries are limited in their ability to expand in non-attainment regions.

NAAQS compliance issues often tend to be “regional” in scope, making coordination between the Air Bureau and the DEP critical. By agreement between the Air Bureau and the State, the DEP has taken responsibility for development of the five-county ozone and fine particulates attainment demonstrations. The DEP also is responsible for developing “regional” controls to support the Liberty-Clairton fine particulates demonstration, and the Air Bureau is responsible for more specific local controls (i.e., U.S. Steel’s C and D Coke Batteries) to augment this attainment demonstration.

Findings

1. The current model being used to develop the attainment demonstrations for ozone and fine particulates is satisfactory.
2. The Task Force has concerns regarding the Air Bureau's ability to maintain highly specialized staff with deep institutional knowledge regarding the attainment demonstration for the Liberty-Clairton area.

Conclusion:

The current standards of operation facilitate an efficient and effective operation.

Recommendations for Compliance:

1. It is recommended that the County develop a written plan for institutionalizing the knowledge in its possession regarding the Liberty-Clairton area.
2. The Task Force recommends that the Air Bureau and the DEP take necessary steps to formalize the process for developing attainment demonstrations for ozone and fine particulate through a signed memorandum of understanding or similar document. Additionally, this document should be available to the public to ensure transparency and accountability.

Monitoring of NAAQS and other Pollutants

Findings

The County operates a 24-hour monitoring network throughout Allegheny County to collect air quality data for criteria pollutants (i.e., particulate matter, sulfur dioxide, ozone, nitrogen oxides, carbon monoxide, and lead), as well as meteorological data. The accurate and continuous monitoring of air quality and the siting of monitors to ensure representative data are critically important to reliable compliance planning, among other things. The Air Bureau submits an Air Monitoring Network Review to USEPA on a regular basis for its review and approval.

The ability of the public to access monitoring data on a “real-time” basis also is important. The DEP monitoring data is available in this regard, while Air Bureau data is not current and is more difficult to access. The lack of access to County monitoring data and compatibility with the DEP reporting system places the residents of Allegheny County at a significant disadvantage versus residents in neighboring counties.

The Air Bureau also maintains monitors for other pollutants of a more local nature. These monitors recently were effectively sited by the Air Bureau to address questions raised by recent USA Today articles regarding air quality near schools.

Conclusion:

The standards of operation of the monitoring network challenge the delivery of an effective and efficient operation.

Recommendations for Monitoring:

1. The Task Force recommends that the Air Bureau arrange for a comprehensive, independent evaluation of the quantity and quality of the Air Bureau's air monitors, including an assessment of whether the existing monitors are appropriately sited to provide representative air quality data for the region, publish results of the evaluation on or before July 1, 2010, and use the results in connection with submitting Allegheny County's Air Monitoring Network Review to USEPA for review and approval pursuant to USEPA siting criteria.
2. On or before July 1, 2010, the Air Bureau should take steps to integrate its reporting system into the DEP's system, or the NAAQS monitoring responsibility should be transferred to DEP.
3. Site-specific monitoring capability and responsibility should remain with the Air Bureau.
4. DEP has state-of-the-art mobile monitoring equipment designed to help evaluate pollutant concentrations. The Air Bureau is encouraged to promote greater cooperation with the local DEP office and to take advantage of State resources in addressing localized air quality matters.

ENFORCEMENT OF AIR QUALITY REGULATIONS

Background

In order to effectively evaluate how the Air Bureau is enforcing compliance with applicable federal, State, and County requirements, it is essential that current and transparent protocols and procedures be in place, which in turn can be reviewed by all stakeholders to assess the quality of Air Bureau enforcement.

In this regard, the Task Force reviewed processes and procedures followed by both the Air Bureau and the DEP. The DEP's enforcement program was easy to review. The Task Force was able to review many of the DEP's facility-specific data by visiting the eFACTS web site (<http://www.dep.state.pa.us/dep/efacts/>). eFACTS is an 'Environment, Facility, Application, Compliance Tracking System' database maintained by DEP. It provides a comprehensive listing of the sources and sites (including facilities) that DEP regulates, and provides information on permits and authorizations. It is a well-known, public, user-friendly site. Individuals who wish to review a permit indexed on eFACTS must contact DEP and arrange for a file review in DEP's offices. DEP also has current policies and procedures relative to enforcement including performance standards and guidelines (which were available for public comment in the *Pennsylvania Bulletin*); detailed permitting, inspection, violation and compliance information; and inspection, notification and tracking/resolution of violations flow charts.

Evaluating the Air Bureau's enforcement processes and procedures proved to be more challenging. The Air Bureau does not have an online tracking system such as eFACTS, and there is no tracking or enforcement information available to the public online via the ACHD web site. It was reported to the Task Force that, as required, the Air Bureau submits inspection data to USEPA via USEPA's online database, but no link or mention of the USEPA database is available on the Air Bureau's website. Air Bureau staff provided inspection and enforcement materials to the Task Force, but most documents were in draft format or had never received final approval. Despite an internal requirement that all policies and procedures must be reviewed at least every three years, most enforcement-related documents have not been reviewed for five years or more. Further, the policies and procedures are not as complete as the DEP's. On a positive note, several Task Force members believe that the County's file review process, whereby requested documents are emailed in a timely fashion to the requesting party, is preferable to the DEP process.

Findings

1. Although the Air Bureau has developed some of the ingredients of an updated and transparent enforcement system (e.g., baseline documents, forms, and reports do exist), the lack of publicly-accessible inspection data and enforcement processes are problematic and clearly do not meet DEP standards.
2. The Task Force believes that local inspectors have specialized knowledge of unique local sources and that maintaining enforcement within the Air Bureau should be incorporated into any new and improved organization and structure for air quality management in Allegheny County. However, it is unclear whether County inspectors meet minimum background and continuing education/training requirements.

Conclusion:

Standards of operation challenge the delivery of an effective and efficient operation.

Recommendations for Enforcement:

1. Using the DEP system as a guide, upgrade enforcement policies, protocols, and procedures, which should include a system that is fully compatible and integrated with DEP's eFACTS website, on or before July 1, 2010.
2. Incorporate Air Bureau policies and procedures into the day-to-day culture of the Air Bureau, identify a Policies and Procedures Coordinator on or before January 29, 2010, and publish the individual's name and contact information on the Air Bureau's website so the individual can be an effective public resource.
3. Beginning on January 1, 2010, all Title V facilities in Allegheny County should be inspected at least once per year and minor sources should be inspected at least once every two years.

ORGANZIATIONAL DESIGN AND GOVERNANCE

The Task Force evaluated the following areas to assess the strengths and weaknesses of the Air Bureau's organizational design and governance:

- Facility
- Staff/Professional Development
- Technology
- Funding
- Organizational Interactions

Facility

Findings

In reviewing the physical conditions of the Air Bureau, the Task Force concluded that the current facility is challenged by numerous technological and health and safety issues. Specifically, the current information technological system, although congruent to the larger needs of the ACHD, impedes the ability of the administrative staff to develop and maintain databases related to permitting, appeals, compliance and enforcement in an efficient manner. Although the Air Bureau does have access to a contracted position for technological services, the lack of a dedicated full-time staff member for this critical function presents daily barriers to accessing data easily. More importantly, the current system does not provide the transparency essential for quality community engagement.

The facility, while targeted for renovation, currently does not reflect the professional ambiance that is generally experienced in many offices charged with these types of activities. More importantly, while efforts have been made to address fundamental health and safety issues, challenges remain in the areas of routine maintenance of the facility, adequate and reliable fire and safety equipment, emergency lighting, and updated and reliable telephone systems.

Conclusion:

Standards of operation challenge the delivery of an effective and efficient operation.

Recommendation for Facility Improvements:

1. Recognizing the high level of professionalism that exists with the Air Bureau, it is recommended that the renovations targeted for this facility occur without delay. More importantly, aspects of the facility that compromise the daily functioning, especially modernized telephone equipment, should be addressed immediately. Such changes not only would cure fundamental technological and health and safety deficiencies, it would promote a level of professionalism required for such activities.

Staffing/Professional Development

Findings

Through the efforts of the County Administration, the ACHD, and its Director and staff, salaries have been upgraded to reflect the level of professional expertise warranted by these positions. While it is understandable that the entire organizational integrity must be maintained, the Task Force focused solely on the financial remuneration strategy for the staff of the Air Quality Bureau. Although the increases are to be applauded, the Task Force notes that there is no process in place to ensure that the salaries remain competitive, as would occur with normal Costs of Living Adjustments (COLA) or Merit Pay for performance.

From a professional development perspective, the Manager has made significant progress in developing a process of annual performance reviews which includes a delineation of specific goals and objectives. Additionally, a process of “cross-training” has occurred which increases the flexibility of the staff and better allows resources to be allocated to address current needs.

Conclusion:

Standards of operation challenge the delivery of an effective and efficient operation.

Recommendations for Staffing and Professional Development:

1. Review existing job qualifications and establish appropriate training and professional certification requirements using DEP as a reference point. Thereafter, establish technical certification tracks for existing employees.
2. A written policy that expressly provides for annual performance reviews and the established goals and objectives for staff should be prepared and adopted.
3. A written policy to address training and continuing education of staff should be prepared and adopted.

Technology

Findings

The current information technology system, used for both internal and external purposes, does not facilitate the transparency promoted by the County. This issue is particularly highlighted with the lack of an easily accessible tracking system for both internal and public use. Although the ACHD is not within the jurisdiction of the DEP, the lack of congruency of data management for tracking permits, appeal, air monitoring data, etc. results in a diminished ability of the public to determine the status of a particular project.

From a public engagement perspective, notices of meetings with associated agenda are not easily accessed in a timely manner, which adversely impacts members of the public who may have particular interests in a pending issue.

Conclusion:

Standards of operation compromise the delivery of an effective and efficient operation.

Recommendation for Technology:

1. It is critical that the Air Bureau hire and retain a full-time staff member to address the serious information technology system deficiencies at the Air Bureau.

Funding

Findings

Historically, the County's Air Bureau has had the seven sources of funding listed immediately below. However, because of the significant surplus in the Clean Air Fund, it was decided, in connection with the 2009 fiscal year budget, that County funding would not be used to fund Air Bureau operations.

- USEPA Base Grant (§105)
- USEPA Special Funds (§103)
- Title V Emission Fees
- Administrative Permit Fees
- Coke Oven Inspection Reimbursement
- Clean Air Fund
- County Support/PA Act 315

USEPA Base Grant requires a 40% match by ACHD. The funding, which is a reimbursement process, is contingent on meeting annually negotiated commitments for monitoring, regulation development, public outreach, enforcement, etc. If monies are not spent within the established timeframes, this revenue is lost to the ACHD.

USEPA Special Funds focuses on PM2.5 Monitoring with revenues used for equipment, parts, repairs, lab work and staff salaries. Funding is on a reimbursement basis and monies that are not spent by the Air Bureau are lost to the system.

Title V Emission Fees are generated by major sources of air pollution which pay annual emission fees, currently \$52 per ton of pollutant. These revenues can only be used for work related to the Title V program (e.g. inspections, enforcement, testing, and permitting of major sources) and cannot be used to match §105 funds.

Administrative Permit Fees are assessed for Installation Permits, Annual Operating Permit Renewals, Burn Permits, Asbestos/Abrasive Blasting Permits, and Asbestos Contractor Licensing. These revenues can be used to match §105 funds.

Coke Oven Inspection Reimbursement Fees are used to ensure compliance to the federal regulations requiring daily inspections of all operating coke oven batteries in Allegheny County. The regulations require the owner/operators of the coke plants to reimburse the delegated agency for the actual cost of these inspections (18,980 inspections in 2007).

The Clean Air Fund is a restricted fund generated through the collection of fines and penalty payments. It has historically been limited for R&D, studies, special monitoring, public education, consultants, and supplemental services. A recent amendment to the ACHD regulations provides for up to 5% of the balance of the Clean Air Fund to be used for Air Bureau operations. This fund can be used to match §105 funds.

County Support/PA Act 315 Reimbursement involves direct funding from the County operating budget and revenues received from Pa Act 315, which reimburses municipalities 50% of direct support of public health activities.

Based upon a review of the current revenues and expenditures of the Air Bureau, the Task Force believes that the Air Bureau is financially viable. It does not appear that the decision to eliminate operating revenue for the Air Bureau from the Operating Budget of the County for fiscal year 2009 will affect this conclusion. However, it must be noted that any reduction in revenue from permitting fees and/or enforcement in the future due to changing economic conditions could compromise the fiscal health of this entity and require this decision to be revisited.

From an internal perspective, there is a clear lack of transparency in the use and transfer of funds used by the Air Bureau. Specifically, the revenues and expenditures are monitored by the administrative staff of the ACHD without allowing ready access, review, or control by the Manager of the Air Bureau.

Conclusion

Standards of operation challenge an efficient and effective operation.

Recommendation for Funding:

The Manager of Air Quality should be given the responsibility of managing the fiscal resources of the Bureau. The Manager should be provided with full financial information and given responsibility to manage the organization within its annual budget.

Organizational Interactions

Findings

Effective communication and coordination between the Air Bureau and the DEP is critical for any number of reasons. Although the DEP has a designated liaison who interacts with the Air Bureau staff, he reports directly to the DEP's Central Office in Harrisburg with no coordination with the Regional Office in Pittsburgh. The lack of an active relationship between the Air Bureau and the Regional Offices does not benefit the residents of Allegheny County. Admittedly, this arrangement is not within the scope of this review but the existence of such an alignment clearly challenges the communication between the State and the County on such a vital issue.

Conclusion

Standards of operation challenge the delivery of an effective and efficient operation.

Recommendation for Organizational Interactions:

1. Work with the State Department of Environmental Protection (DEP) to develop a more open relationship between the Air Bureau and DEP's Regional Office.