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The Boeing Company
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Philadelphia, PA 19142-0858

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DEC 23 REC'D

INDEPENDENT REGULATORY
REVIEW COMMISSION

December 18, 2009

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

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DEC 21 2009

Express Mail:
Environmental Quality Board
Rachel Carson State Office Building, 16th Floor
400 Market Street
Harrisburg, PA 17101-2301

ENVIRONMENTAL QUALITY BOARD



Subject: Proposed Rulemaking on Air Quality Fee Schedules; PADEP Bulletin
(17 October 2009)

Ladies and Gentlemen:

The Boeing Company (Boeing) offers the following comments on the revisions to Air Quality Fee Schedules proposed in the Pennsylvania Bulletin on October 17, 2009.

First, Boeing believes the near doubling increase in Title V operating permit emission fees under 25 Pa. Code §127.705 results in a substantial, and for many facilities potentially onerous, financial impact, without apparent justification in PADEP costs to administer the program.

The addition of emission testing fees under §139.202 are also potentially onerous. Some of our Ridley Park facility's boilers are required to perform a relatively simple annual test for nitrogen oxide (NO_x) under operating permit conditions that originally derived from the NO_x RACT Proposal requirements of §129.92. For such sources with annual testing requirements, the protocol review fee of \$675 would be incurred each year although the protocol is rarely revised from year to year. Similarly, the full test report review fee of \$1000 would be incurred even for a relatively simple NO_x test that is very similar from year to year. These fees would increase the cost of the annual emission testing at our Ridley Park facility by more than 20%. In light of the repetitious nature of emission testing to comply with annual testing requirements, and because the proposed fees appear excessive as they substantially exceed the cost to PADEP to oversee the testing activity, Boeing requests that these fees be deleted or reduced for annual emission testing.

Moreover, Boeing suggests that PADEP's fees approach should take into account the uncertain impact on the Agency of EPA's December 7, 2009 determination that greenhouse gas emissions (GHGs), including carbon dioxide (CO₂), threaten the public health and welfare. We recognize that under the proposed federal regulations pertaining to GHGs and the language in § 127.705, GHGs would not be subject to the emission fee provisions of §127.705. At this time, however, it is



unclear whether GHGs will become subject to section 111, 112 or if EPA will promulgate a NAAQS for one or some of the GHGs. If regulated under these provisions, the fee's impact could be substantial. Even at the levels capped under Pennsylvania statute, at 4000 tons per pollutant under §127.705(a), the associated fees could be as high as \$280,000. This magnitude of additional annual fees would have a substantial adverse and presumably unintended financial impact on many facilities throughout the Commonwealth. There would be many ways to avoid the situation, for example to date the Commonwealth has appropriately and prudently excluded carbon monoxide as a regulated pollutant in the current version of the emissions fees paragraph. It could similarly exclude all of the GHGs or establish a different fees structure taking into account considerations pertinent to GHG regulation.

Thank you for your consideration of these comments. If you have any questions regarding them, please do not hesitate to contact me at (610) 591-3197 or Mr. Timothy Titus at (610) 591-3919; timothy.j.titus@boeing.com; MC P25-75.

Sincerely,

A handwritten signature in black ink, appearing to read "AKramer".

Allen Kramer
Manager,
Environment, Health and Safety

Cc: Michael S. Corrigan

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