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GROUP AGAINST SMOG & POLLUTION

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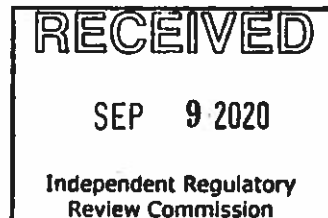
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September 8, 2020

VIA EMAIL (irrc@irrc.state.pa.us)
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101



Re: IRRC # 3231
Agency/Identification # 7-356
Environmental Quality Board/Air Quality Fee Schedule Amendments

Dear Sir or Madam:

Please accept these comments supporting the above-referenced, proposed Air Quality Fee Schedule Amendments for the Department of Environmental Protection's Air Quality Program, which I am submitting on behalf of the Group Against Smog and Pollution ("GASP").

Very truly yours,

/s

John K. Baillie
Senior Attorney

**COMMENTS OF THE GROUP AGAINST SMOG AND POLLUTION REGARDING
PROPOSED REVISIONS TO THE FEE SCHEDULE
FOR THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL
PROTECTION'S AIR QUALITY PROGRAM**

The Group Against Smog and Pollution (“GASP”) is an environmental not-for-profit corporation based in Pittsburgh, that has, since 1969, worked to improve air quality in Southwestern Pennsylvania. GASP offers these comments in support of the final version of the Air Quality Fee Schedule Amendments for the Department of Environmental Protection’s (“DEP”) Air Quality Program, and urges the approval of those amendments.

DEP’s Air Quality Fee Schedule sets the fees that applicants pay to DEP for processing applications for Plan Approvals for new sources of air pollution and Operating Permits for existing sources of pollution and for administering Operating Permits. The fee schedule also imposes a per ton fee on emissions of regulated pollutants by Title V sources. Together, these fees fund the operations of DEP’s Air Quality Program, which works to protect public health and the environment in Pennsylvania by administering and enforcing the air pollution laws.

The proposed revisions to the Air Quality Fee Schedule would not change the per ton fee on emissions from Title V sources, which was set in 2013 and is indexed to inflation. On the other hand, the proposed amendments would increase application fees for Plan Approvals and Operating Permits and the annual administration fees charged to Operating Permit holders. Those fees were set according to a schedule that was developed in the early 1990s and were last increased in 2005. Further, the proposed amendments would, for the first time, impose fees on regulated sources of air pollution for certain of the determinations and assessments that DEP regularly performs for them, including requests for determination, risk assessments, and confidential business information determinations; it is appropriate for members of the regulated community to pay for these determinations and assessments because they benefit from them and

because performing the determinations and assessments consumes a significant portion of the Air Quality Program's staff time.

The revenue generated by the existing fee schedule is no longer adequate to fund the operations of the Air Quality Program. The Program's expenditures now exceed its revenues. This has resulted in the Air Quality Program reducing staff, which in turn negatively impacts both the time it takes the Program to issue plan approvals and operating permits and the Program's ability to conduct inspections, respond to complaints, and pursue enforcement actions when necessary. For example, in DEP's Southwest Region, applications for renewals of operating permits for 15 of the region's 49 Title V sites – the largest facilities that pollute the most – have been pending for longer than the eighteen months permitted by the federal Clean Air Act and DEP's own regulations, presumably because DEP lacks the staff needed to process those applications in a timely manner.

The potential negative impact to the environment and public health that could result from an inadequately-funded air quality program are obvious. Moreover, an inadequately-funded air quality program also threatens to negatively impact Pennsylvania's economy, by slowing or preventing businesses from investing in new facilities and modernizing their existing facilities in the Commonwealth.

The proposed revisions to DEP's Air Quality Fee Schedule will help get DEP's Air Quality Program back on sound financial footing and keep it there for the foreseeable future. The proposed revisions will also do a better job of matching the amount of work that the Air Quality Program performs for members of the regulated community with the fees it charges them to perform that work. The proposed revisions to the Air Quality Fee Schedule are thus a necessary and overdue step that will help DEP protect Pennsylvania's environment and improve

DEP's ability to serve the regulated community in Pennsylvania. GASP urges that they be approved.