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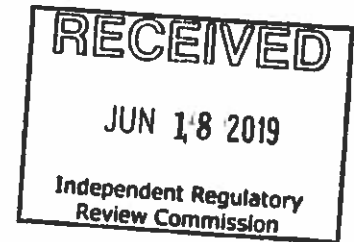
House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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ENVIRONMENTAL RESOURCES AND
ENERGY COMMITTEE
CHAIRMAN

June 17, 2019

Independent Regulatory Review Commission
333 Market St.
Harrisburg, PA 17101



Dear Commissioners:

As members of the House Environmental Resources and Energy Committee, we write to you to express our disapproval of proposed Environmental Quality Board (EQB) Regulation 7-536.

The Committee voted today, June 17, in favor of sending you this letter on behalf of our constituents and businesses throughout the Commonwealth that will be impacted by these proposed air quality fee increases. As the standing House Committee with legislative oversight over the Department of Environmental Protection (DEP), it is our role to ensure that regulations proposed by DEP through the EQB are reasonable and consistent with the intent of the Acts on which they are based. This regulation fits neither criteria. Just last month, the Committee sent you a similar letter regarding proposed fee increases in DEP's water program. There seems to be a troubling trend of DEP proposing exponential fee increases to support itself on the backs of the citizens of the Commonwealth that our state government is supposed to be representing.

While the state's Air Pollution Control Act, Act 787 of 1959, does authorize DEP to set some fees by regulation, DEP's proposal to introduce a number of new fees and astronomically increase existing fees is unacceptable. DEP is explicit about its intent to collect approximately 15.5 million additional dollars annually from these fee increases to support its mission regarding air quality. New and financially burdensome fees are created for plan approvals for ambient impact analysis, plan approvals for reassessment of control technology, risk assessment analysis, and asbestos notification, just to name a few.

One of the most significant new fees created, that DEP notes will generate a large portion of these additional funds, is the creation of an annual maintenance fee for Title V facilities. This proposed fee starts at \$10,000 and increases to \$15,600 by 2031. DEP notes that this fee is necessary because revenues from the Title V emission fee, which is collected based on the amount of emissions of regulated pollutants, have decreased by 41% since 2000 and are continuing to decrease.

This decrease in emissions of pollutants is a clear sign that our business community has taken successful steps to improve the air quality in our state. When significantly less pollutants are being released into the air, it stands to reason that DEP's air quality program would not need the same amount of funding.

Government creates statutes and regulations regarding environmental quality to achieve positive results, not to sustain itself. These fee increases will not lead to more compliance by the business community, it will merely harm innovation and investment by the business community in our great Commonwealth in an effort to sustain increasingly unnecessary bureaucracy.

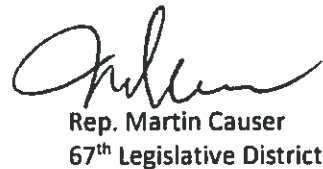
As it is IRRC's role to analyze the economic and fiscal impacts of a regulation, this proposal will have an impact on every business which must pay these fees and make business decisions within the Commonwealth. Additionally, these regulations will have an effect on Pennsylvania's taxpayers and consumers as these fees will likely be passed down through the economic chain. Instead of fulfilling government's role of supporting local Pennsylvanian businesses and communities, this regulation would hurt many of those who can least afford it. Though the regulation would apply universally, smaller businesses with limited resources would be disproportionately impacted by these excessive increases should the proposed regulation take effect.

This proposed regulation is unacceptable, and if implemented would have a severe financial impact on our residents and the businesses within our districts. We therefore ask IRRC to disapprove this regulation in its proposed form since the provisions of the regulation are patently unreasonable. We urge the EQB and DEP to withdraw this proposed regulation. We, the undersigned members of the House Environmental Resources and Energy Committee, write this letter to draw your attention to our concerns with this proposed regulation and respectfully ask for your consideration.

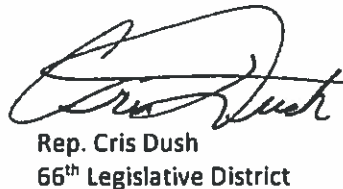
Sincerely,



Daryl D. Metcalfe, Chairman
Environmental Resources & Energy Committee



Rep. Martin Causer
67th Legislative District



Rep. Cris Dush
66th Legislative District



Rep. Jonathan Fritz
111th Legislative District



Rep. R. Lee James
64th Legislative District

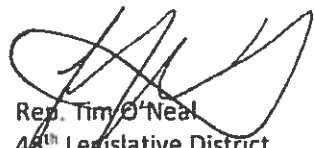


Rep. Ryan Mackenzie
134th Legislative

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Rep. Carl Walker Metzgar
69th Legislative District



Rep. Tim O'Neal
48th Legislative District



Rep. Jason Ortity
46th Legislative District



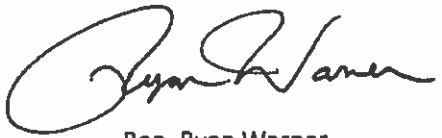
Rep. Kathy Rapp
65th Legislative District



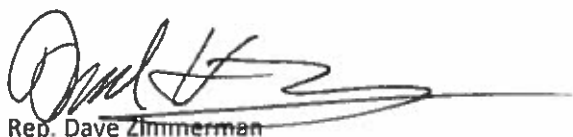
Rep. Thomas Sankey
73rd Legislative District



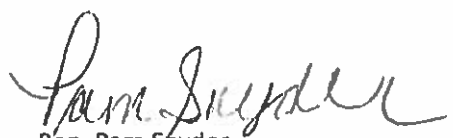
Rep. Paul Schemel
90th Legislative District



Rep. Ryan Warner
52nd Legislative District



Rep. Dave Zimmerman
99th Legislative District



Rep. Pam Snyder
50th Legislative District

DDM:pn

Cc: Environmental Quality Board
Department of Environmental Protection