

ORIGINAL: 2009

RECEIVED

2000 AUG 22 AM 10:01

August 22, 2000

INDEPENDENT REGULATORY  
REVIEW COMMISSION

**BY FAX: (717) 783-2664**  
**AND BY FIRST CLASS MAIL**

Robert E. Nyce, Executive Director  
 Independent Regulatory Review Commission  
 333 Market Street, 14th Floor  
 Harrisburg, PA 17101

Re: Interstate Ozone Transport Rule (Proposed 25 Pa. Code Chapter 145)

Dear Mr. Nyce:

Thank you for meeting with PennFuture on August 17 to discuss the Interstate Ozone Transport Rule, or Chapter 145. PennFuture, along with other health and environmental organizations, strongly supports proposed Chapter 145. I am writing to follow up on some of the issues we discussed during our meeting.

I. Policy Issues

A. Health and Environmental Benefits

Pennsylvania suffers from chronic high levels of ozone smog, caused in part by very high emissions of nitrogen oxides (NOx) from power plants. As of July 27, ozone levels in Pennsylvania had already exceeded federal health limits 153 times this year. A recent study estimated that high ozone levels in Pennsylvania resulted in 9,600 emergency room visits and 4,000 hospital admissions in 1997. Additionally, Pennsylvania has the worst acid rain in the nation, also caused in part by high NOx emissions. Chapter 145 would significantly reduce these NOx emissions and therefore offers strong benefits for public health and the environment.

B. Made in Pennsylvania

Some of the debate around NOx emission reductions has focused on the relative contributions to Pennsylvania air quality of power plant emissions in Pennsylvania and in upwind states. During our meeting, we presented you and your staff with a copy of "Made in Pennsylvania", PennFuture's report on this issue from July of 2000. This report demonstrates that Pennsylvania power plants account for 39% of all NOx emissions in the state, contribute more to air pollution in Central Pennsylvania than do Midwest power plants, and are the difference between meeting and not meeting the

Citizens for Pennsylvania's Future  
 212 Locust Street - Suite 410  
 Harrisburg, PA 17101  
 Tel: 717-214-7920  
 Fax: 717-214-7927  
 e-mail: info@pennfuture.org

Citizens for Pennsylvania's Future  
 117 South 17th Street, Suite 1801  
 Philadelphia, PA 19103  
 Tel: 215-589-9631  
 Fax: 215-569-9637  
 e-mail: info@pennfuture.org

Citizens for Pennsylvania's Future  
 P.O. Box 19280  
 Pittsburgh, PA 15213  
 Tel: 412-624-4643  
 Fax: 412-648-2648  
 e-mail: info@pennfuture.org

federal health standard in many communities. Cleaning up Pennsylvania power plants would offer major advances in protecting the health of Pennsylvanians.

C. Vehicle Emissions

During our meeting, you expressed frustration at some aspects of Pennsylvania's vehicle testing program. As Jan Jarrett explained, ozone stakeholder groups have recommended that the Department of Environmental Protection maintain this program as a necessary part of Pennsylvania's ozone reduction strategy. However, PennFuture recognizes that vehicle testing presents a burden for Pennsylvania motorists. If drivers are to bear the cost of emissions testing, power plants with many thousands of tons of NOx emissions each year should certainly do their part. Chapter 145 will ensure that utilities and industry will do their fair share to reduce NOx emissions.

II. IRRC Criteria

As we discussed, PennFuture believes that Chapter 145 satisfies the criteria that IRRC applies under the Regulatory Review Act (71 P.S. § 745.5a(h, i)).

A. Statutory Authority/Legislative Intent: Under the Regulatory Review Act, IRRC shall determine whether the agency has the statutory authority to promulgate a regulation and whether that regulation conforms to the intention of the General Assembly in the enactment of the statute upon which the regulation is based. 71 P.S. § 745.5a(h). Chapter 145 satisfies these tests. First, the Environmental Quality Board possesses the statutory authority to promulgate Chapter 145 under the Air Pollution Control Act (APCA). 35 P.S. 4005(b). Additionally, power plant emission reductions under Chapter 145 are consistent with the legislative intent expressed in the APCA's Declaration of Policy (for example, for the protection of public health, safety, and well-being of Pennsylvania's citizens). 35 P.S. 4002. Finally, PennFuture notes that the Regulatory Review Act does not appear to require IRRC to evaluate the kinds of federal constitutional issues you raised during our meeting.

B. Competition: Some of Pennsylvania's neighboring states have already adopted rules comparable to Chapter 145. Between EPA's rule requiring states to reduce NOx emissions, the petitions of downwind states for controls at upwind plants, and federal enforcement, power plants in the remaining nearby states will have to meet comparable requirements before Chapter 145 is fully implemented in 2003. Therefore, Chapter 145 will not hinder the competitiveness of the Pennsylvania power industry. The market bears out this conclusion: in the months since Chapter 145 was issued as an advance notice of final rulemaking, Reliant Energy, PPL, and Allegheny Energy have all gone ahead with major purchases of generating capacity in Pennsylvania.

C. Protection of Public Health, Safety, and Welfare, and Effect on the Commonwealth's Natural Resources: As noted above, the expected air quality improvements from Chapter 145 will bring about significant public health and safety

benefits. Additionally, reductions in NOx emissions will reduce the deforestation effects of ozone and will reduce the severity of acid rain.

D. Clarity and Lack of Ambiguity: Chapter 145 sets clear, numerical emission limits for all covered utility and industrial sources. By comparison, federal new source review standards employ complex criteria—known as “best available control technology” and “lowest achievable emission rate”—that are resolved only by a detailed site-by-site, permit-specific process. Chapter 145 is clear and unambiguous in what it requires of industry.

E. Reasonableness of Requirements, Implementation Procedures, and Timetables for Compliance: The requirements of Chapter 145 are reasonable and achievable: some plants in Pennsylvania and other states already meet or surpass the rule’s emission limits. Emissions trading and other mechanisms will allow plants flexibility in complying with the rule. Power plants will not have to meet the emission limits of Chapter 145 until 2003; since plants elsewhere have installed emission controls in less than a year, this represents a reasonable timetable for compliance.

PennFuture urges IRRC to approve this important rule.

Sincerely,



Charles McPhedran  
Senior Counsel

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2000 AUG 22 AM 10:01

FACTORY  
REVIEW COMMISSION

Citizens for Pennsylvania's Future  
117 S. 17th Street, Suite 1801  
Philadelphia, Pennsylvania 19103

## FAX COVER SHEET

To: ROBERT NYCE / FIONA WILMARTHFax #: 717 / 783-2664From: CHARLES MCPHERSONDate: 8 / 22 / 00Number of Pages (including cover sheet): 4Description: LETTER RE: CHAPTER 145

This facsimile contains privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this facsimile transmission or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify the sender at the above phone number and return the original facsimile to the above address by mail.

Original: 2009

RECEIVED

2000 AUG 22 AM 7:47

August 21, 2000

INDEPENDENT REGULATORY  
REVIEW COMMISSION

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17101  
PH: (717) 783-5417 FAX: (717) 783-2664  
IRRC@irrc.state.pa.us

**Re: Rule No. 2009 Environmental Quality Board #7-345: Interstate Ozone  
Transport Reduction**

Dear Chairman McGinley:

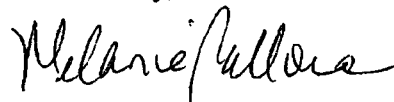
I am writing to you to urge the IRRC's approval of an important proposal by the Department of Environmental Protection (DEP) that would help to solve Pennsylvania's chronic smog problem. High levels of smog endanger the health of Pennsylvanians; for example, a recent survey attributed 9,600 emergency room visits and 4,000 hospital admissions to smog each year.

On January 22, 2000, DEP proposed to limit utility and industrial emissions of nitrogen oxide (NOx), a key component in smog, in Pennsylvania and in neighboring states. Pennsylvania power plants are the main cause of smog in many areas of Pennsylvania. DEP's proposal, which would help implement two federal rules and a regional agreement, would reduce NOx emissions significantly from the worst-polluting sources and finally put Pennsylvania on track to meeting public health standards for smog.

Representatives of public health, medical, and environmental organizations testified and commented in support of DEP's proposal during the comment period. In all, DEP received 133 comments on its proposal, an extraordinarily high level of interest that I believe reflects the proposal's significant potential health benefits.

I urge you to approve DEP's important proposal to reduce NOx emission and clean up our air.

Sincerely,



Melanie Pallone

**Gelnett, Wanda B.**

---

**From:** BethToor@aol.com  
**Sent:** Saturday, August 19, 2000 10:19 AM  
**To:** IRRC@irrc.state.pa.us  
**Subject:** Re: Interstate Ozone Transport Reduction

Original: 2009

5369 Northumberland St.  
Pittsburgh, PA 15217  
August 18, 2000

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
333 Market St., 14th. Floor  
Harrisburg, PA 17101

Dear Chairman McGinley:

We ask that the IRRC approve the rules issued by the Department of Environmental Protection, the Interstate Ozone Transport Reduction regulations, as unanimously approved by the Environmental Quality Board.

Without these reductions, Pennsylvania's air will not meet the federal health-based air quality standards for ozone smog.

These rules are needed now to protect our health. There have been at least 153 exceedances of the national eight-hour Ozone Standard this summer.

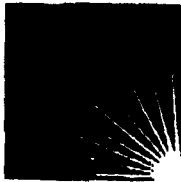
Other northeastern states have acted to reduce ozone smog. Now it's time for Pennsylvania to act too. Please approve the DEP's proposal to reduce NOx emissions and clean up our air so we can all breathe more easily.

Yours truly,

H. L. Toor and E. W.

Toor

Clean Air Council



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2000 AUG 21 AM 11:59

INDEPENDENT REGULATORY  
REVIEW COMMISSION

August 21, 2000

ORIGINAL: 2009

## Philadelphia

135 South 19th Street  
Suite 300  
Philadelphia, PA 19103  
215-567-4004  
Fax 215-567-5791  
E-Mail: [members@cleanair.org](mailto:members@cleanair.org)  
[www.cleanair.org](http://www.cleanair.org)

## Harrisburg

105 N. Front St.  
Suite 106  
Harrisburg, PA 17101  
717-230-8807  
Fax 717-230-8808

## Wilmington

Community Service Building  
100 W. 10th St.  
Suite 704  
Wilmington, DE 19801  
302-691-0112 ext. 226

VIA FACSIMILE

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
333 Market St., 14th Floor  
Harrisburg, PA 17101

**Re: Rule #2009, EQB #7-345: Interstate Ozone Transport**

Dear Chairman McGinley:

Clean Air Council has been working to ensure healthful air quality in the Commonwealth for 33 years. The goal of meeting the health-based standard for ozone has been elusive. A regulation has been developed by the DEP, and approved by the EQB, which is absolutely crucial for the attaining of the health standard for ozone in Pennsylvania.

Ozone smog is a serious health threat to Pennsylvania residents, causing nearly 10,000 hospital visits annually. DEP's regulation has received great support during the comment period, a fact which demonstrates the health significance of this regulation.

Nitrogen oxide is a necessary component of ozone, and is transported great distances by industrial smoke stacks. The regulation will provide major reductions of nitrogen oxide through a flexible cap-and-trade system applied to electric generating plants and industrial boilers.

Philadelphia is classified as a severe non-attainment area for ozone and continues to regularly exceed the eight-hour health standard. Prevailing winds bring nitrogen oxide from central and western Pennsylvania to the Philadelphia area. Without the reductions anticipated from the DEP's regulation, it is very unlikely that the Philadelphia area will attain the standard.

Pennsylvania has petitioned EPA for action which would reduce transport of nitrogen oxide from neighboring states, and EPA has obliged. And since it is clear that Pennsylvania is both an importer and an exporter of nitrogen oxide, the Commonwealth must do its part to address this regional problem. This regulation clearly demonstrates Pennsylvania's commitment to addressing the issue of air pollution transport.

Responsible regulatory policy which protects the health of Pennsylvania residents and neighbors calls for the prompt submission of DEP's regulation. The Council urges the Commission to vote in favor of this regulation.

If you have any questions, feel free to contact me at (215)-567-4004 x223, or the Council's Staff Attorney, Michael Fiorentino, Esq., at (717)-230-8806.

Sincerely,

Joseph Otis Minott, Esq.

**Gelnett, Wanda B.**

---

**From:** Jo Ann Evansgardner [joannvangard@earthlink.net]  
**Sent:** Saturday, August 19, 2000 5:06 PM  
**To:** IRRC@irrc.state.pa.us  
**Subject:** Proposed IRRC action

Original: 2009

Re: Independent Regulatory Review Commission "Trigger" proposal

The more I learn about corporate efforts to enhance profits without regard to polluting the environment, the more outraged I become. In fact, it is difficult to understand the latest proposed action of the IRRC to insert a debilitating trigger into the rules without suspecting undue and improper influence from power plant owners.

Citizens need implementation at the earliest possible date of the federal health-based air quality standards for ozone. The proposed IRRC action would use one of the oldest and most popular methods for preventing clean air actions -- stall and delay. It is a shameless proposal and one that will not be allowed to go unnoticed or unpunished.

As a member of the Environmental Justice Work Group, I am appalled that the DEP may be used to thwart efforts for healthful clean air standards. DEP actions should reflect its name -- to protect the environment, not the interests of a notoriously polluting industry.

Please send me the IRRC membership list with email or US mail addresses and the name(s) of the person or persons who sponsored them, ASAP.

Jo Ann Evansgardner, Ph.D.  
505 Winterburn Ave  
Pittsburgh, PA 15207  
412/421-5514



Original: 2009

## FAX TRANSMITTAL

TO:

Independent Regulatory Review  
Commission  
333 Market St, 14<sup>th</sup> Floor  
Harrisburg PA 17101

FROM:

Kate St. John  
731 McCaslin St  
Pittsburgh PA 15217

FAX NUMBER:

1-717-783-2664

DATE:

August 18, 2000

PHONE NUMBER:

1-717-783-5417

TOTAL NO. OF PAGES INCLUDING COVER:

1

RE:

Interstate Ozone Transport Reduction  
(Chapter 147)

☒ URGENT

MESSAGE:

Please accept the Interstate Ozone Transport Reduction regulations (Chapter 147) submitted by the DEP.

Pennsylvania, with its many coal-fired power plants, contributes hundreds of tons of NO<sub>x</sub> to the Northeast transport zone. Even during this cold wet summer there have been over 100 ozone exceedances in Pennsylvania.

Do not weaken the rules by amendments which delay implementation or revoke the regulations based on what the Federal government or other states do. It's time that Pennsylvania takes responsibility for our contribution to US air pollution.

RECEIVED  
2000 AUG 18 PM 1:50  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Original: 2009

3700 Venango Avenue  
Munhall, PA. 15120  
August 18, 2000

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17101  
PH: (717) 783-5417 FAX: (717) 783-2664  
IRRC@irrc.state.pa.us

RECEIVED  
2000 AUG 21 AM 8:23  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Re: Rule No. 2009 Environmental Quality Board #7-345: Interstate  
Ozone Transport Reduction

Dear Chairman McGinley:

I am writing to you to urge the IRRC's approval of an important proposal by the Department of Environmental Protection (DEP) that would help to solve Pennsylvania's chronic smog problem. High levels of smog endanger the health of Pennsylvanians; for example, a recent survey attributed 9,600 emergency room visits and 4,000 hospital admissions to smog each year.

Just this spring, I had problems breathing both outside and inside my home in the Monongahela Valley; I later learned from the Allegheny County Health Dept. that ozone on that day had exceeded the 8-hour ozone standard. It is not at all uncommon in this area to see persons 60 and above carting along wheeled oxygen tanks. Our local Sharper Image store carries three different air cleaning devices: one which hangs around the neck, one which sits on your car's dashboard, and one which cleans a room.

Surely, these are clear signs action from the local, state, and federal levels is past due. Today, our state constitution, which guarantees clean air and clean water to Pennsylvanians, rings hollow in my ears. I was born and raised in Pennsylvania, and would like to stay, but I almost weekly debate whether I wish to remain in a state where both the air and the drinking water threaten my health--as is the case today.

Last January 22, 2000, the DEP proposed to limit utility and industrial emissions of nitrogen oxide (NOx), a key component in smog, in Pennsylvania and in neighboring states. Pennsylvania

power plants are the main cause of smog in many areas of Pennsylvania. DEP's proposal, which would help implement two federal rules and a regional agreement, would reduce NOx emissions significantly from the worst-polluting sources and finally put Pennsylvania on track to meeting public health standards for smog. Hatfield's Ferry, Cheswick, Bruce Mansfield, Keystone, Conemaugh and Homer City are six of the eight dirtiest power plants in PA., and they all are in western Pennsylvania.

Ironically, I am taking a brief vacation next week at the Summit Inn in Farmington. From that high vantage point I can see [and have seen] the smokestack of Hatfield's Ferry spewing out tons of pollutants on the unsuspecting capital of Fayette County, Uniontown. Force this one plant to meet modern standards, and you'd be effectively removing almost 890,000 cars from Pennsylvania's highways.

Representatives of public health, medical, and environmental organizations testified and commented in support of DEP's proposal during the comment period. In all, DEP received 133 comments on its proposal, an extraordinarily high level of interest that we believe reflects the proposal's significant potential health benefits.

We urge you to approve DEP's important proposal to reduce NOx emission and clean up our air.

Yours truly,

Frances E. Harkins  
[FrancesEH@aol.com]

Original: 2009

August 17, 2000

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17101  
PH: (717) 783-5417 FAX: (717) 783-2664  
IRRC@irrc.state.pa.us

RECEIVED  
2000 AUG 21 AM 9:40  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Re: Rule No. 2009 Environmental Quality Board #7-345: Interstate Ozone  
Transport Reduction

Dear Chairman McGinley:

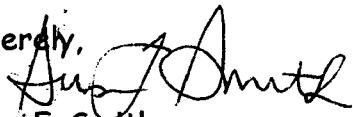
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On January 22, 2000, DEP proposed to limit utility and industrial emissions of nitrogen oxide (NOx), a key component in smog, in Pennsylvania and in neighboring states. Pennsylvania power plants are the main cause of smog in many areas of Pennsylvania. DEP's proposal, which would help implement two federal rules and a regional agreement, would reduce NOx emissions significantly from the worst-polluting sources and finally put Pennsylvania on track to meeting public health standards for smog.

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We urge you to approve DEP's important proposal to reduce NOx emission and clean up our air.

Sincerely,

  
Susan F. Smith  
PO Box 1026  
Lemont PA 16851

  
Ronald A. Smith  
PO Box 1026  
Lemont PA 16851



# SIERRA CLUB

Pennsylvania Chapter

Reply to:

201 West Aaron Square  
P.O. Box 120  
Aaronsburg, Pennsylvania 16820-0120

P.O. Box 606

Harrisburg, PA 17108

Original: 2009

August 17, 2000

Clean Air Committee

John R. McKinley, Jr., Chairman  
The Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17101  
PH: (717) 783-5417 FAX: (717) 783-2664  
IRRC@MTL.NATC.BB.NJ

**Re: Rule No. 2009 Environmental Quality Board #7-345:  
Interstate Ozone Transport Reduction**

**Dear Chairman McKinley:**

Clean air for Pennsylvania will give us a better quality of life and health. Clean air for Pennsylvania will brighten the economic climate in the long run; we know that states with clean air and clean water attract more businesses.

These reasons encompass all the other reasons (public health, reduced health care costs, reduced acid rain, reduced ozone smog, and alleviating acid soils and reduced viability of Pennsylvania forests) to move ahead with reducing the nitrogen oxides air pollution, which combines to make ground-level ozone smog. DEP's public hearings this spring -- to which I traveled on March 24 to Harrisburg to testify -- clearly showed the level of interest and concern that the usually complacent public has for this pollution. A medical doctor traveled from Wellboro during the work day to describe how he worked with increasing numbers of emergency room patients during high smog days. A couple from North Carolina asked Pennsylvania to assume leadership in controlling NOx pollution. And those of us who -- without pay -- care enough about air quality to devote significant time and energy to reducing air pollution and its effects (I'm a volunteer and I pay my own way). There were more than 100 comments on this regulation; a praiseworthy occurrence that shows the overwhelming support for reducing air pollution, and doing it now.

We ask you to move forward -- without delay -- to support this regulatory action and bring cleaner air to breathe to Pennsylvanians.



**Emergency room visits and hospital admissions from asthma and chronic respiratory disease aren't getting any better. Air pollution aggravates these diseases; control of air pollution is now a common business practice (a responsibility and a cost of doing business): with well defined strategies and available technology, and yes costly, yet affordable when compared to our costs for health care.**

**There were at least 9,600 emergency room visits and 4,000 hospital admissions in Pennsylvania identified as smog related recently. That's a lot of health care costs that could be avoided, along with missed school in children and missed work days in adults.**

**On January 22, 2000, DEP proposed to limit utility and industrial emissions of NOx - a key component in smog - in Pennsylvania and in neighboring states. On May 23, 2000 the Air Quality Technical Advisory Committee (AQTAC) to DEP approved DEP's proposed regulation. Members understood and agreed to the necessity of moving ahead immediately with NOx controls. I am a member of AQTAC since its inception just a few years ago. I was a member of the Air and Water Quality Technical Advisory committee (AWQTAC) to DEP previously to that, with eight years experience between the two committees. While I serve in the public interest, most members represent affected air pollution sources of various sectors: utility, chemical manufacturing, paper production, and environmental/industrial consultants. These members are well-versed in the ability of their industries to affect pollution control; they all accepted the regulation. On July 18, 2000 the Pennsylvania HAS approved DEP's regulation.**

**DEP's proposal, which would help implement two federal rules and a regional agreement, would reduce NOx emissions significantly from the worst-polluting sources and finally put Pennsylvania on track to meeting public health standards for smog.**

**Pennsylvania power plants are the main cause of smog in many areas of Pennsylvania. In my home county, Centre County, it was recently shown (through modeling) that western Pennsylvania power plants contribute between 8 to 14 ppb ozone to Centre County. About 35% of the ozone present in Centre County on hot, humid, still summer days is ozone created by NOx emitted by western Pennsylvania power plants alone. These levels of ozone are high enough to push Centre County into legal ozone nonattainment. DEP's NOx regulation will take care of a problem that Pennsylvania creates itself. Reductions from western Pennsylvania power plants may allow Centre County to clean-up.**

**We ask you again, to move forward - without delay - to support this regulatory action and bring cleaner air to breathe to Pennsylvanians.**

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Sincerely,

*Nancy J. Fisher*  
Chair, Clean Air Committee  
PA Chapter, Sevin Club  
cc: by email

RECEIVED

2000 AUG 17 PM 2:14

LABORATORY  
REVIEW COMMISSION

**Gelnett, Wanda B.**

---

**From:** Nancy F. Parks [nfparks@csrlink.net]  
**Sent:** Thursday, August 17, 2000 1:07 PM  
**To:** IRRC@irrc.state.pa.us  
**Subject:** NOx/Ozone reductions in PA

Original: 2009  
201 West Aaron Square  
P.O. Box 120  
Aaronsburg, Pennsylvania 16820-0120

August 17, 2000

Clean Air Committee  
PA Chapter Sierra Club

John R. McGinley, Jr., Chairman  
The Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17101  
PH: (717) 783-5417 FAX: (717) 783-2664  
IRRC@irrc.state.pa.us

Re: Rule No. 2009 Environmental Quality Board #7-345: Interstate Ozone  
Transport Reduction

Dear Chairman McGinley:

Clean air for Pennsylvania will give us a better quality of life and health. Clean air for Pennsylvania will brighten the economic climate in the long run; we know that states with clean air and clean water attract more businesses.

These reasons encompass all the other reasons (public health, reduced health care costs, reducing ozone smog, reducing acid rain, alleviating acid soils and reduced viability of PA forests) to move ahead with reducing the nitrogen oxides air pollution, which combines in sunlight to make ground-level ozone smog. DEP's public hearings this spring - to which I traveled on March 24, 2000 to Harrisburg to testify - clearly showed the level of interest and concern that the usually complacent public has for this pollution. A medical doctor traveled from Wellsboro during the work day to describe how he worked with increasing numbers of emergency room patients during high smog days. A couple from North Carolina asked Pennsylvania to assume leadership in controlling NOx pollution. And those of us who -without pay - care enough about air quality to devote significant time and energy to reducing air pollution and its effects (I'm a volunteer and I pay my own way). There were more than 100 comments on this regulation; a praiseworthy occurrence that shows the overwhelming support for reducing air pollution, and doing it now.

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We ask you again, to move forward - without delay - to support this regulatory action and bring cleaner air to breathe to Pennsylvanians.

Sincerely,

Nancy F. Parks, Chair, Clean Air Committee, Pennsylvania Chapter, Sierra Club

Original: 2009

**Gelnett, Wanda B.**

---

**From:** Nicole Dormer [ndormer@boroughs.org]  
**Sent:** Thursday, August 17, 2000 9:14 AM  
**To:** [IRRC@irrc.state.pa.us](mailto:IRRC@irrc.state.pa.us)

John R. McGinley, Jr., Chairman

Independent Regulatory Review Commission

333 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17101  
PH: (717) 783-5417 FAX: (717) 783-2664  
[IRRC@irrc.state.pa.us](mailto:IRRC@irrc.state.pa.us)

August 17, 2000

Re: Rule No. 2009 Environmental Quality Board #7-345: Interstate Ozone Transport Reduction

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8/17/2000

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Sincerely,

Nicole Dormer

8/17/2000

**Gelnett, Wanda B.**

---

**From:** EcoGirl101@aol.com  
**Sent:** Thursday, August 17, 2000 7:11 PM  
**To:** IRRC@irrc.state.pa.us  
**Subject:** Re: Rule No. 2009 Environmental Quality Board #7-345  
Original: 2009

Dear Chairman McGinley:

Hello, my name is Lauren Jacobson, a ninth grader from Monroeville. I am writing to you to urge the IRRC's approval of an important proposal by the Department of Environmental Protection (DEP) that would help to solve Pennsylvania's chronic smog problem. High levels of smog endanger the health of Pennsylvanians; for example, a recent survey attributed 9,600 emergency room visits and 4,000 hospital admissions to smog each year.

On January 22, 2000, DEP proposed to limit utility and industrial emissions of nitrogen oxide (NOx), a key component in smog, in Pennsylvania and in neighboring states. Pennsylvania power plants are the main cause of smog in many areas of Pennsylvania. DEP's proposal, which would help implement two federal rules and a regional agreement, would reduce NOx emissions significantly from the worst-polluting sources and finally put Pennsylvania on track to meeting public health standards for smog.

Representatives of public health, medical, and environmental organizations testified and commented in support of DEP's proposal during the comment period. In all, DEP received 133 comments on its proposal, an extraordinarily high level of interest that we believe reflects the proposal's significant potential health benefits.

I urge you to approve DEP's important proposal to reduce NOx emission and clean up our air. Citizens should not have to be afraid of the air they breathe! I want to know that when I go outside to get some "fresh air", it really is healthy and "fresh".

Sincerely,  
Lauren Jacobson  
EcoGirl101@aol.com

Original: 2009

**Gelnett, Wanda B.**

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**From:** Marie S Kocoshis [PSKOCOSHIS@prodigy.net]

**Sent:** Thursday, August 17, 2000 11:48 AM

**To:** [IRRC@irrc.state.pa.us](mailto:IRRC@irrc.state.pa.us)

The Independent Regulatory Review Commission

333 Market Street, 14th Floor

Harrisburg, Pennsylvania 17101

PH: (717) 783-5417 FAX: (717) 783-2664

[IRRC@irrc.state.pa.us](mailto:IRRC@irrc.state.pa.us)

John R. McGinley, Jr., Chairman

Independent Regulatory Review Commission

333 Market Street, 14th Floor

Harrisburg, Pennsylvania 17101

PH: (717) 783-5417 FAX: (717) 783-2664

[IRRC@irrc.state.pa.us](mailto:IRRC@irrc.state.pa.us)

August 17, 2000

Re: Rule No. 2009 Environmental Quality Board #7-345: Interstate Ozone  
Transport Reduction

Dear Chairman McGinley:

We are writing to you to urge the IRRC's approval of an important proposal  
by the Department of Environmental Protection (DEP) that would help to solve  
Pennsylvania's chronic smog problem. High levels of smog endanger the  
health of Pennsylvanians; for example, a recent survey attributed 9,600

8/17/2000

emergency room visits and 4,000 hospital admissions to smog each year.

On January 22, 2000, DEP proposed to limit utility and industrial emissions of nitrogen oxide (NOx), a key component in smog, in Pennsylvania and in neighboring states. Pennsylvania power plants are the main cause of smog in many areas of Pennsylvania. DEP's proposal, which would help implement two federal rules and a regional agreement, would reduce NOx emissions significantly from the worst-polluting sources and finally put Pennsylvania on track to meeting public health standards for smog.

Representatives of public health, medical, and environmental organizations testified and commented in support of DEP's proposal during the comment period. In all, DEP received 133 comments on its proposal, an extraordinarily high level of interest that we believe reflects the proposal's significant potential health benefits.

We urge you to approve DEP's important proposal to reduce NOx emission and clean up our air.

Yours for clean air,

Marie Kocoshis, President  
GASP (Group Against Smog and Pollution)  
PO Box 5165  
Pittsburgh, PA 15206  
412-441-6650

Original: 2009

**Gelnett, Wanda B.**

---

**From:** Gerald Gardner [ghfg@earthlink.net]  
**Sent:** Thursday, August 17, 2000 11:51 AM  
**To:** IRRC@irc.state.pa.us  
**Subject:** IRRC may weaken regulations

I understand that IRRC may revoke proposed new rules on NOx reduction under pressure from the electric utilities, or delay implementation until all federal lawsuits are settled. I am not familiar with the details of what is going on but I am concerned.

Power plants emit most of the chemicals that lead to ozone. I have asthma and ozone alert days are difficult for me. I am 75 and have breathing problems. Articles on the danger of PM2.5 add to my belief that power plants must be told to increase pollution controls.

According to the newspapers other states are implementing rules to control ozone; why is Pennsylvania dragging its heels?

I am buying electricity from Green Mountain in the hope that this will lessen pollution from power plants. I will be disappointed if you proceed to increase pollution and undo my efforts.

Please let me know what actions IRRC takes on ozone reduction.

Gerald H F Gardner  
505 Winterburn Ave  
Pittsburgh PA 15207  
412-421-5514



Original: 2009



RECEIVED

2000 AUG 17 PM 2:32

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Chairman John R. McGinley, Jr. Esq.  
Independent Regulatory Review Commission  
333 Market St., 14<sup>th</sup> floor  
Harrisburg, PA 17101

cc:

Vice Chairman Alvin C. Bush  
Commissioner Arthur Coccodrilli  
Commissioner Robert J. Harbison, III  
Commissioner John F. Mizner, Esq.

Re: Rule No. 2009 Environmental Quality Board #7-345: Interstate Ozone Transport Reduction

Chairman McGinley,

August 15, 2000

On Wednesday, August 24<sup>th</sup> the Independent Regulatory Review Commission (IRRC) will decide the fate of a proposal that aims to protect public health by reducing smog pollution in Pennsylvania (Rule No. 2009 Environmental Quality Board #7-345: Interstate Ozone Transport Reduction). This rule, unanimously approved by the Environmental Quality Board (EQB) in July, requires reductions of smog-forming nitrogen oxide (NOx) from electric utilities in Pennsylvania and several other surrounding states. I am writing to urge the Commission to approve this proposal without any weakening changes.

**Pennsylvania has a serious smog problem.**

During the summer of 1999, monitors across Pennsylvania recorded more than 500 violations of the EPA's health-based standard for smog pollution, the fourth highest number of exceedences in the nation. Smog pollution (a.k.a. "ozone") causes serious public health and environmental problems. A recent report estimated that smog triggers 370,000 asthma attacks, 9,600 respiratory emergency room visits, and 3,200 respiratory hospital admissions<sup>1</sup> in Pennsylvania each year. Unfortunately, those that suffer most severely tend to be children and the elderly.

**Electric utilities are a significant source of smog.**

Electric utilities in Pennsylvania are responsible for releasing an enormous amount of this smog pollution each year. In fact, power plants here in the Commonwealth released over 190,000 tons of NOx in 1999 alone—more than utilities in New York, New Jersey, Connecticut and Massachusetts combined.

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<sup>1</sup> "Out of Breath, Health Effects from Ozone in the Eastern United States." Abt Associates, October 1999.

Close to 60% of this pollution is actually *in excess of what the clean air act legally allows*. A loophole in the federal law allows twenty-four power plants in Pennsylvania (and more than 530 others nationwide) to ignore modern air pollution standards for nitrogen oxide (NOx) and other pollutants simply due to their age. This exemption was granted to the utilities under the argument that most of the older, more polluting facilities would retire soon after the standards were established, making tougher emission requirements unreasonable. However, more than twenty years later these facilities continue to operate and release millions of pounds of excessive pollution. It is time to end this lethal legacy, and require that Pennsylvania's power plants meet more modern air pollution standards. The rule that the IRRC is now considering will take us one step closer toward achieving that goal.

**Rule No. 2009 (Interstate Ozone Transport Reduction) is fair and achievable.**

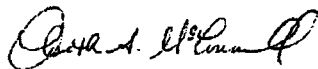
This rule gives utilities until 2003 to meet the emission reductions outlined. PennPIRG feels that this is more than enough time, especially considering that these facilities have enjoyed more than twenty years of exemptions from modern pollution standards. In addition, the rule provides for great flexibility by allowing emissions trading to help the dirtiest power plants meet the new standards.

**It's time for Pennsylvania to do our "fair share."**

Over the last three years, decision makers in Massachusetts, Connecticut, New York, New Jersey and Maryland have committed to cleaning up their polluting power plants—plants that are arguably *cleaner* than Pennsylvania's. Meanwhile, Pennsylvania legislators have failed to show the leadership necessary to protect the health of our own residents. Now, the IRRC is considering adding a "trigger" provision in the proposed rule that could delay or prevent implementation of this common sense and crucial proposal. PennPIRG strongly and respectfully urges the IRRC to demonstrate a commitment to public health by adopting this rule in its current form, and ensure that it is implemented in Pennsylvania immediately.

Thank you for the opportunity to comment on this critical issue. I look forward to your response.

Sincerely,



Beth A. McConnell,  
PennPIRG Education Fund Clean Air Advocate  
1334 Walnut St., 6<sup>th</sup> Floor  
Philadelphia, PA, 19107  
Phone: (215) 732-3747  
Fax: (215) 732-4599  
Email: [bam48@juno.com](mailto:bam48@juno.com)

# PennPIRG

The Pennsylvania Public Interest Research Group  
1334 Walnut Street, 6<sup>th</sup> Fl., Philadelphia, PA 19107  
(215) 732-3747

To: IPRC Commissioners Date: 8/17/00

From:

Pages: Beth McConnell

Rc: Rule # 2009, EGB # 7-345: Interstate Ozone  
Transport Reduction

Original: 2009

**Gelnett, Wanda B.**

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**From:** Kevin M. Stewart [kstewart@alapa.org]  
**Sent:** Tuesday, August 22, 2000 10:26 AM  
**To:** John R McGinley  
**Subject:** ALAPA letter re Chapter 145



IRRC Letter on  
Chap 145 082200...

Chairmain McGinley:

Please review the attached letter.

Sincerely,

Kevin M. Stewart  
Director of Environmental Health  
American Lung Association of Pennsylvania  
630 Janet Avenue  
Lancaster, PA 17601-4584  
ph: (717) 397-5203  
fx: (717) 397-5244  
em: [kstewart@alapa.org](mailto:kstewart@alapa.org)

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[www.donateyourcar.com](http://www.donateyourcar.com)

Original: 2009

American Lung Association of Pennsylvania  
630 Janet Avenue  
Lancaster, PA 17601-4584  
August 22, 2000

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17101  
via email: [IRRC@irrc.state.pa.us](mailto:IRRC@irrc.state.pa.us)

Re: Rule No. 2009 Environmental Quality Board #7-345: Interstate Ozone Transport Reduction

Dear Chairman McGinley:

On behalf of the American Lung Association of Pennsylvania (ALAPA), I am writing to you to urge the IRRC's approval of the Department of Environmental Protection's (DEP's) Interstate Ozone Transport Reduction proposal. We believe that this measure is essential to help solve Pennsylvania's chronic ground-level ozone problem.

Lest we forget the human toll of air pollution, the ALAPA has found that about 11 million Pennsylvanians residing in nearly 40 counties are subject to repeated exposure to levels of ozone that exceed health standards. Within those counties are populations at particular risk of adverse health effects from exposure to high levels of ozone smog. These include about 2 million children aged 14 and under and 1.75 million persons aged 65 and above. About one in nine persons in these counties suffer from a chronic lung disease, including about 600,000 people with asthma, and a similar number with chronic bronchitis.

Ozone causes asthma attacks; it sends people to the emergency room and puts people in the hospital. In the Philadelphia and Pittsburgh metropolitan areas alone, a recent analysis, considered valid by the ALA's national office, attributed 17,100 emergency room visits for respiratory ailments, 2,970 hospital admissions, and 720,000 asthma attacks to ambient ozone exposure in 1997.

On January 22, 2000, DEP proposed to limit utility and industrial emissions of nitrogen oxide (NO<sub>x</sub>), a key component in smog, in Pennsylvania and in neighboring states. Pennsylvania power plants are the main cause of smog in many areas of Pennsylvania. DEP's proposal, which would help implement two federal rules and a regional agreement, would reduce NO<sub>x</sub> emissions significantly from the worst-polluting sources and finally put Pennsylvania on track to meeting public health standards for smog.

ALAPA believes the rule is fair and flexible. Other northeastern states, including New York, New Jersey, and Maryland have moved ahead with clean air rules. It's time for Pennsylvania to do its fair share.

Representatives of public health, medical, and environmental organizations testified and commented in support of DEP's proposal during the comment period. In all, DEP received 133 comments on its proposal, an extraordinarily high level of interest that ALAPA believes reflects the proposal's significant potential health benefits.

We urge you to approve DEP's important proposal to reduce NO<sub>x</sub> emission and clean up our air.

Sincerely,

Kevin M. Stewart  
Director of Environmental Health  
American Lung Association of Pennsylvania

**Gelnett, Wanda B.**

---

**From:** William Mullins [wm06@andrew.cmu.edu]  
**Sent:** Wednesday, August 16, 2000 5:39 PM  
**To:** IRRC@irc.state.pa.us  
**Subject:** Urge New Rules

Original: 2009

Dear Commision Members,

I urge you to allow the new rules to go forward for the following reasons:

The new rules are needed now to protect public health. Ozone monitors have recorded 153 exceedances of the national 8-Hour Ozone Standard so far this summer.

Pennsylvania power plants are the main cause of smog in large areas of Pennsylvania including the Harrisburg/Hershey/Lancaster area, the Wilkes-Barre/Scranton area and the State College area.

The rule is fair and flexible.

Other northeastern states, including New York, New Jersey, and Maryland have moved ahead with clean air rules. It's time for Pennsylvania to do its fair share.

Respectively yours,  
William Mullins  
University Professor of Applied Science  
Carnegie Mellon University  
Pittsburgh, PA

**Gelnett, Wanda B.**

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**From:** goldburg [goldburg+@pitt.edu]  
**Sent:** Tuesday, August 15, 2000 11:33 PM  
**To:** IRRRC@irrc.state.pa.us  
**Subject:** clean air laws

Original: 2009

I urge you to reject pressures to weaken our clean air regulations.  
Regardless  
of the outcome of the supreme court decision, we Pennsylvanians need the  
protection of our health from ozone and fine particulates. Don't cave  
in  
to the business interests here.

Respectfully, Walter Goldburg