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*House of Representatives*  
**COMMONWEALTH OF PENNSYLVANIA**  
**HARRISBURG**

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Original: 2009

Bush

cc:

McGinley

Smith

Tyrrell

Notebook

June 24, 1999

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

Dear Bob:

Thank you for your letter regarding House Resolution No. 182. I appreciate knowing that the comments reflected in the resolution were incorporated into the IRRC comments to the EQB.

Although the Senate did not concur prior to the summer adjournment, I am confident that there is strong legislative support for the position advocated in HR 182.

I will remain interested in the progress of this regulatory proposal and, again, I appreciate your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Smith'.

Sam Smith  
STATE REPRESENTATIVE  
66<sup>th</sup> Legislative District

SHS:djh

RECEIVED  
INDEPENDENT REGULATORY REVIEW COMMISSION  
JUN 25 1999 9:16 AM  
JUN 25 1999

SENATOR CHARLES W. DENT  
16TH DISTRICT

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HARRISBURG, PA 17120-3016  
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RECEIVED

APR -4 AM 10: 11

INDEPENDENT REGULATORY  
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STATE GOVERNMENT  
URBAN AFFAIRS & HOUSING

Senate of Pennsylvania

March 31, 2000

Original: 2009

Bush

cc:

Nyce  
Smith  
Wilmarth  
Sandusky  
Legal  
Notebook  
McGinley

Steve Schmitt  
[Carfreecat@aol.com](mailto:Carfreecat@aol.com)

Dear Mr. Schmitt:

Thank you for your recent e-mail correspondence, as a member of the Lehigh Valley/Reading Ozone Stakeholders Working Group, regarding the proposed Chapter 145 Advance Notice of Final Rulemaking which was published in the February 26, 2000 PA Bulletin. I certainly appreciate having the benefit of your input on this matter.

I am happy to hear that you support the proposed rule as being consistent with the recommendations of the Stakeholders' recommendations. However, since I do not serve on the appropriate Senate Committee which will review these proposed regulations, I am forwarding your correspondence to the Independent Regulatory Review Commission.

Again, thank you for taking the time to apprise me of your support for this proposed regulation. If I can be of any further service to you, please let me know.

With best wishes,

Sincerely,

CHARLES W. DENT  
Senator, 16<sup>th</sup> District  
Commonwealth of PA

CWD/lms

cc: Robert Nyce, IRRC Executive Director, with Enclosure

RECEIVED  
2000 APR -4 AM 10:11  
REGULATORY  
REVIEW COMMISSION

-----Original Message-----

**From:** [Carfreecat@aol.com](mailto:Carfreecat@aol.com) [SMTP:Carfreecat@aol.com]  
**Sent:** Tuesday, March 07, 2000 9:19 PM  
**To:** [cdent@pasen.gov](mailto:cdent@pasen.gov)  
**Subject:** Chapter 145 Advance Notice of Final Rulemaking

Senator Charlie Dent:

This letter provides comments on the proposed Chapter 145 Advance Notice of Final Rulemaking that was published in the February 26, 2000 Pennsylvania Bulletin. This proposed Chapter 145 would establish a NOx cap-and-trade program equivalent to the EPA Section 110 and Section 126 programs.

I was a member of the Lehigh Valley/Reading Ozone Stakeholders Working Group. In March 1999, Governor Ridge charged our group with determining how our region of Pennsylvania would meet the federal health-based standard for ozone. Children, the elderly, and those with heart and respiratory illness are adversely affected by high ozone concentrations. Thousands of people in our area with chronic lung diseases are particularly at risk.

The Stakeholder group analyzed the ozone problem, and in January of this year, recommended specific control measures to Secretary James M. Seif of the Department of Environmental Protection.

Our Stakeholder group evaluated more than 100 strategies to reduce ozone. Among the most effective strategies is the reduction of NOx emissions from large combustion units in Pennsylvania and upwind states.

Accordingly, the Stakeholders supported the NOx SIP Call and recommended that DEP implement a NOx cap-and-trade program that would achieve equivalent reductions in NOx emissions.

The proposed Chapter 145 rule is consistent with the Stakeholders' recommendations. I urge the Commonwealth to adopt the rule for several reasons:

- 1 The Stakeholders' analysis demonstrated that substantial reductions in NOx emissions from large combustion units are essential to achieving the federal one hour ozone health standard. Without these reductions, our area, Philadelphia and downwind neighboring states will not be able to meet the health standard. Thousands of individuals will be forced to continue to breathe unhealthy air.

- 2 Air coming into Pennsylvania is significantly degraded. Ozone monitoring data shows that the air coming into Pennsylvania from Ohio and West Virginia measures 70 to 80 percent of the health standard on high ozone days. This data clearly shows that Ohio, West Virginia and Pennsylvania must substantially reduce NOx emissions if Pennsylvania and our eastern neighbors are to achieve the health standard.
- 3 The proposed rule is consistent with HR 182. The proposed rule and EPA's Section 126 rulemaking in response to Pennsylvania's Petition ensure surrounding states will implement equivalent emission reductions at the same time. New York, New Jersey, Delaware and Maryland have worked cooperatively with Pennsylvania to achieve equivalent NOx emission reductions. They have adopted or will shortly adopt regulations that achieve their "fair share" NOx emission reductions. Pennsylvania's failure to adopt this proposed rule would seriously undermine the spirit of cooperation among these states. The cooperation of the states is a model for interstate environmental decision making.
- 4 While Ohio and West Virginia have refused to cooperate with Pennsylvania, the EPA Section 126 rulemaking and the proposed rule will effectively achieve their "fair share" reductions. Pennsylvania should not allow public health protection of our citizens to be held hostage to the selfish interest of these states.
- 5 Pennsylvania should not rely solely on EPA's Section 126 rule because it is being seriously challenged in federal court by the states of Ohio and West Virginia and sources within those states. Pennsylvania should not abdicate its responsibility for protecting public health to outside interests, thus making Pennsylvania's environmental decision making irrelevant.
- 6 Pennsylvania needs to act on the proposed rule as quickly as possible. Many electric generating companies have argued that they need about three years to install NOx control equipment. The compliance date in the proposed rule was selected to provide this time and to ensure that Philadelphia and other downwind metropolitan areas would be able to meet the Clean Air Act deadline to achieve the health standards. A delay of the current schedule for adopting the proposed rule would jeopardize the ability of downwind areas to meet the deadline for achieving the health standard.
- 7 As the Stakeholder report demonstrates, the NOx emission reductions are cost effective. In addition, the EPA has estimated that, in the worst case, cost of electricity will rise 0.7 percent as a result of this program. A cost increase of this magnitude will not have an impact on electric deregulation and should not be used as an excuse to hold up the program.

In summary, Pennsylvania needs to protect the health of its citizens and ensure that it is a good neighbor to downwind states. The proposed rule is consistent with HR 182 and the Stakeholder recommendations. It should be adopted in accordance with the schedule prepared by the Department of Environmental Protection. This will allow the affected sources sufficient time to install the required controls and allow downwind areas to meet the health standard in accordance with the Clean Air Act. Further, Pennsylvania should implement

Chapter 145 for its sources and utilize all available legal avenues to obtain equivalent reductions from upwind states. This will address our contribution to our downwind neighbors and require our upwind neighbors to do their fair share.

Thank you for this opportunity to provide comment on this important regulation.

Steve Schmitt

Member

Lehigh Valley Ozone Stakeholders Group

37 North Eighth Street

Allentown, PA 18101

[cat@car-free.org](mailto:cat@car-free.org)