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# Senate Environmental Resources and Energy Committee

**Senator Mary Jo White**  
Chairman

*Patrick Henderson, Executive Director*

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September 5, 2006

John Slade, Chief  
Division of Permits  
Bureau of Air Quality  
Department of Environmental Protection  
P.O. Box 8468  
Harrisburg, PA 17105

RECEIVED  
2006 SEP -5 PM 2:10  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

**Re: Section 111(d) State Plan for the Control of  
Mercury Emissions from Existing Designated Coal-  
Fired Electric Utility Steam Generating Units**

Dear Mr. Slade:

I am writing to comment on the above-referenced proposed state plan.

I am opposed to the Department of Environmental Protection's (DEP) submittal of this plan to the U.S. Environmental Protection Agency (EPA) for both substantive and procedural reasons. In summary, my substantive objection to the proposed state plan is my belief that the plan fails to provide any commensurate public health benefit to Pennsylvanians as compared to those achieved under the federal Clean Air Mercury Rule. To the contrary, there are potentially significant detrimental impacts associated with the rule. These concerns will be reflected in detail in comments submitted to DEP by the Senate Environmental Resources and Energy Committee at a future date.

In addition to extensive substantive concerns over the proposal, I object to the process by which DEP seeks to finalize the state plan. The basis for the state plan is a regulation prepared by DEP for adoption by the Environmental Quality Board (EQB). The public comment period closed on August 26, 2006. Comments from the Independent Regulatory Review Commission (IRRC) are anticipated by September 26, 2006. Both the Senate and House Environmental Resources and Energy Committees are permitted to submit comments up to 24 hours prior to publication of a final rule. The Senate Environmental Resources and Energy Committee submitted extensive questions to the Department on August 7, 2006, and is still awaiting a response that will help inform its comments.

DEP has announced its intention to submit a final rule to the EQB at the Board's October 17, 2006 meeting. Therefore, DEP ostensibly intends to review and respond to all comments received from the public, IRRC and the standing oversight committees in a period of approximately three to five weeks. This does not appear to be a reasonable timetable for responsible review and response to the extensive comments which have been submitted to DEP. Additionally, while DEP has stated that it is required to finalize a state plan by

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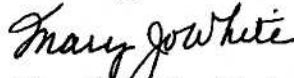
November 17, 2006, both the Department and affected stakeholders know that should the Commonwealth fail to finalize its state plan by this date, a temporary federal plan would be instituted. There are, therefore, no compelling reasons for not taking time to give meaningful review to all submitted comments.

Additionally, it is disingenuous for the Department to utilize the timeframe requirements of CAMR to justify its "expeditious" handling of a final regulation when the Department has alleged that CAMR is not only fundamentally flawed, but actually illegal. The 40-10 bipartisan vote earlier this year in the Senate in support of SB 1201, essentially opposing this state plan, should be an indication to both EPA and IRRC, if not the Department, that major concerns exist.

For these reasons, I urge the Department not to finalize the state plan during its announced timeframe, but instead to embrace a genuine public comment period that examines and provides serious good faith response to the comments it has solicited.

Thank you for your consideration of these comments.

Sincerely,



Mary Jo White, Chairman  
Senate Environmental Resources  
& Energy Committee

cc: EPA Region III  
IRRC ✓