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By E-mail

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: Air Permit Streamlining, 37 Pa.B. 1317

Dear Members of the Environmental Quality Board:

On behalf of our organizations and their members, we are writing regarding the air permit streamlining proposal, published in the Pennsylvania Bulletin on March 24, 2007 (37 Pa.B. 1317). Because several aspects of this rule will severely curtail opportunities for effective citizen participation in air permitting, we urge you to reject this proposal.

First, under the new proposal, many sources required to obtain a plan approval will no longer be published in the Pennsylvania Bulletin. See proposed 25 Pa. Code § 127.44. This is a fundamental change that will make it harder for citizens to find out when sources are seeking permission for plant changes or even new construction. A new plant or an air emission change need not be subject to new source review to be a matter of concern to its neighbors, and the Pennsylvania Bulletin is the primary source for citizens to find out about such matters. The requirement to publish a notice in a newspaper in the county where the source is located does little to notify citizens of a neighboring county that will also be affected by pollution from the source. The EQB should reject the Department's attempt to remove plan approvals from the Bulletin and thereby restrict citizen access to information.

Some plan approvals, including synthetic minor permit applications, will be published in the Bulletin only if the Department determines "there is substantial public interest" or "invites public comment." See proposed 25 Pa. Code § 127.44(b)(6). With all due respect to the Department, it is hard to determine substantial public interest without publishing an action for public review. If the public is not aware of a proposal, the Department will hardly be able to determine whether it will provoke "substantial public interest." The Department should continue publishing all plan approvals in the Bulletin, and the EQB should reject this proposal.

Further, the Department proposes to stop publishing the plan approval conditions in the Bulletin. See proposed 25 Pa. Code § 127.45(5). These conditions typically include emission limits, control technology, applicable standards, and other information essential to citizen evaluation of plan approvals. Removing this information from the Bulletin withdraws key information from public view and hampers citizen involvement.

The alternative, making an appointment for a file review at a regional office, involves considerable resources that are not available to many citizens, and may not be possible in the time allowed for comment on a plan approval. The EQB should reject this proposal and ensure that plan approval conditions continue to be published in the Bulletin.

The primary objective of the Air Pollution Control Act is the protection of public health, safety, and well-being of the citizens of Pennsylvania. 35 P.S. § 4002(a)(i). We submit that this objective is furthered by continuing to provide our citizens with information about all plan approvals, including all permit conditions, by publication in the Pennsylvania Bulletin. We urge the EQB to reject the Department's proposal in derogation of this fundamental objective of the APCA.

Sincerely,

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