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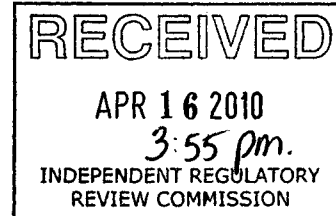
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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

AGRICULTURE AND RURAL
AFFAIRS
AGING AND OLDER ADULT
SERVICES
LOCAL GOVERNMENT



Honorable Arthur Coccodrilli
Chairman
Independent Regulatory Review Commission
14th floor, Harrisstown 2
333 Market Street
Harrisburg, Pennsylvania 17101

Dear Chairman Coccodrilli:

We write to you today to offer comments regarding the Final Rule Control of NOx Emissions from Glass Melting Furnaces (IRRC # 2683 / EQB # 7-420), currently being promulgated by the Department of Environmental Protection (DEP). We recognize that the DEP implemented a variety of changes to the regulation since it was first proposed. There remains, however, a few significant areas within the final version of the regulation that we believe need to be addressed.

Our primary concerns regarding the Final Rule are as follows:

First, we believe DEP has seriously underestimated the cost of the rule to industry. Estimates we have received from the Pittsburgh Glass Works (PGW) reveal for example, that it would cost PGW in excess of \$8 million to install the required emission controls on Furnace 2 at their Meadville facility to achieve minimal emission reductions, plus hundreds of thousands of dollars in additional annual operating costs. This additional financial burden will make PGW, and other glass manufacturers subject to the rule, non-competitive with the result that some facilities may be shutdown, costing Pennsylvania jobs and tax revenues. It is important to note, that PGW has voluntarily installed at considerable cost, oxy-fuel technology on one of its furnaces and low NOx emissions burners on a second. Additionally, the Pittsburgh Corning facility located in Port Allegany, Pennsylvania has also indicated that the costs to meet the reduction levels called for in the final rule will pose a severe economic challenge. These costs, according to company officials, may be sufficiently burdensome to force this facility to be shuttered costing 150 local family sustaining jobs.

Secondly, we recognize the fact DEP modified Sections 304.304 (b) and (c) of the rule to provide an owner or operator of a glass melting furnace not in compliance with the applicable emission limit by January 1, 2012 the opportunity to petition for an alternative emission limit or compliance schedule. However, the rule does not, with any specificity, address the following: a) the criteria the Department will use to determine whether to grant or deny a petition. The absence of objective criteria, standards or benchmarks subjects the petition review process to possible arbitrary actions, inconsistencies and delays, b) whether the owner/operator of a glass melting furnace who submits a timely petition is entitled to continue operating the furnace in accordance with its then current operating limits until the Department makes a determination on the petition and, c) what due process an owner/operator has in the event a petition for alternative emission limit or compliance schedule is denied or is granted with conditions the petitioner finds objectionable. In addition, there is no indication if a furnace can continue to operate, or what actions, if any, may be brought against an operator in the event a petition is denied.

The Pennsylvania Regulatory Review Act (P.L. 73, No 19) requires the Commission to review regulations based in part on their economic impacts and their clarity, feasibility and reasonableness. We believe that this final rulemaking will have significant economic and fiscal impacts for the private sector and the Commonwealth as well as its lack of clarity creating confusion and the possibility of non-compliance. We are requesting, based upon this criteria, that the Independent Regulatory Review Commission disapprove the final form regulation.

We appreciate your attention to our concerns. We look forward to your reply.

Sincerely,



Scott E. Hutchinson, Minority Chairman
House Environmental Resources and Energy Committee
64th Legislative District



Michele Brooks
17th Legislative District



Martin T. Causer
67th Legislative District